Case Number

88-2078

Supreme Court, U.S.
FILED
JUN 19 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

# *United States SUPREME Court*

SPRING TERM 1989

## PETITION FOR WRIT OF CERTIORARI

**JOHN G. BARROW JR.**
Plaintiff - Appellant - Petitioner
vs.
**N. G. LUND et. al.**
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

## PREFACE

Irrespective of any facts, or issues or Magistrate's fraudulent allegations the paramount questions that Years and Burns for an answer are:

1. On what date was there a Meaningful Notice of Hearing on any one of the issues ?

2) On what date was the jury selected and what is their names ?

3. With all persons being entitled to "A Day In Court" why is it that in twenty (20) actions filed this Petitioner has not had one day in Court, or any adjudication of any one issue in any one of twenty cases.

## HUMAN RIGHTS

Why should the Russins Embassy not be shown the most technical aspect of the Constitutional rights afforded John G Barrow?

Should anyone have even to a Twinge of mis-understanding,that person should Neal Down and Pray to God Almighty for Wisdom to understand how;

ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE DOLLARS, OF CRUEL AND UNJUST SANCTIONS,AS A CURSE BEING INFLICTED UPON THIS PETITIONER, as a reward for a Good Faith effort to obtain " Redress of Grievances" can be the American Way ?

WOULD YOU LIKE TO KNOW
WHO THE JUDGMENTS ARE FOR ?

JUDGE JAMES HARRISON
JUDGE HENRY F MARTIN
JUDGE KENNETY E COOKSEY
JUDGE GOLDBERG
JUDGE LAWRENCE PAGE HADDOCK
JUDGE VERNON DOUGLAS
JUDGE LYNN C HIGBY
JUDGE WILLIAM STAFFORD
( JUDGE HANDLING ) WAHL
JUDGE BEN C WILLIS
AND OTHERS

CHAPTER (a) QUESTIONS PRESENTED TO BE REVIEWED

1) The very first question of Greatest interest to not only all of the interested Persons, but of the whole wide word is; Whether or not: This Supreme Court of these United States will take supervisory Control thereby providing for a Meet and Proper relief to this Petitioner or will this Court deny this "Petition for Writ of Certiorari" thereby affirming, approving and sanctioning the Wheel Within A Wheel's corruption in the United States District Court and the 11th Circuit Court of Appeals?

2) Will the twenty (20) VOID DECISIONS not only be (20) AFFIRMED VOID DECISIONS, but also twenty (20) AFFIRMED VOID DECISIONS SANCTIONED BY THE SUPREME COURT of these United States of America ?

3) Will this United States Supreme Court

a-2.)

determine the contents of the Judge's Response referred to in ( Judge Handling) Wahl's Affidavit dated April 29th? See; Appendix Chapter W Page (w-17).

4) Will this United States Court Mandate the details of each of the Following:

a) Handling of the Magistrate? Chapter W of Appendix w-5.),w-9.), w-16.)

b) Handling of the Clerk of the Federal Court? Chapter W of Appendix most every page.

c) Just exactly what was the " Advise from Court of Appeals as to Barrow's Appeal" and just how was this matter HANDLED with the Magistrate's office ? Chapter W-23 ) of the Appendix

d) Just how was the Eleventh Circuit Handled February 3, 1986 for One Hour and more ? See Chapter w-21) of the Appendix.

5) Whether the Court of First Instance and the ( Judge Handling) Wahl's co-horts, Federal Judge Tjoflat and Federal Judge Hatchett intent was to administer Procedural Due

Process of law appropriate to the occasion or if the Magistrate's Gospel ;

Defendants " Counsel obtained results sought; dismissal of the case prior to trial, and relief from the embarrassment to Counsel of the Defendants in collusion with the Central Figures in the Federal Court, was in fact the True Intentions of this filthy conspiracy ?

6) Why, is this not a Classic R.I.C.O Gangland Scheme ?

7) Who were the Parties involved in the " Handling with co-counsel and Wahl " dated Jaunary 29, 1985 ? See Chapter (W) Page w-26) and Page w-27 Telephone Conference with Wahl in what Collusion ?

8) Another aspect of Judge Handling) Wahl's Affidavit of disclosure of the co-counsel is on Page w-15 " including May 9, 1985 Notice of Appeal to 11th Circuit and letter (to who) 1.2 hrs, letter to Clerk and Handling ( what dollar amount) and allocation

of time for hearing and report 2.0 hrs ?

QUESTION: Who was at said hearing ( behind the black curtain) and what was the deal ? This Petitioner has had no Notice of any Hearing on any of the issues.

Check the Docket sheet !

9) On Page w-24 Mr ( Judge Hnadling) Wahl Boasts about Handling with the Clerk of Court of Appeals.

10) On Page w-3 of the Appendix Wahl Boasts about " Judge Melton Howell handling and letter.

QUESTION: What was the dollar amount ?

11) "Telephone conference with Wahl" time after time Chapter w-27 .

"Telephone conference with co-defendants" Counsel and letter to Wahl w-28.

Was this conspiracy ?

These are the Questions needing Judicial attention at this point and time.

## CHAPTER (a) QUESTIONS PRESENTED FOR REVIEW

All parties to this Case and Controversy are fully aware of the fact that THERE HAS BEEN NO HEARING HAD OF ANY ISSUE. No adjudication of any issue, wherefore the VOID DECISION of Judge Hodges is just that --- A VOID DECISION.

( Judge Handling) Wahl's Bar Brothers, Judge Tjoflat and Judge Hatchett ,relative to the Kenons has AFFIRMED THIS VOID DECISION, wherefore there is no adjudication of this Case except THE AFFIRMING OF A VOID DECISION, for the Wheel Within A Wheel, mob.

The questions presented to be reviewed are therefore;

1.) WHEN and HOW can a jury trial in an open forum be had, before a Judge without enmity, meanness and madness ?

2.) In as much as U.S.C.A. Const. Amend 5 clearly states that:

" A Federal Court Judgment whether in a civil or criminal case that is reached without " Due Process of Law" is VOID".

Then, are all of the 20 decisions of each and every one of the Wahl/Hodges Court not VOID. ?

3.) In as much as U.S.C.A. Const. Amend 7 tells us;

" The denial of a right to jury trial after demand in Federal Court is an un-constitutional abuse of power in absence of waiver"

Then, why has Hodges not abused his power ?

4.) With Hodges abuse of power and Tjoflat Hatchett and their co-horts having affirmed this abuse of power and affirmed these void decisions -- then how does Tjoflat and Hatchett and their co-horts affirming said void decisions amount to any more than Twenty (20) AFFIRMED VOID DECISIONS ?

5.) Does " A Denial" by the United States Supreme Court sanction the above described Corruption ?

b) * * CERTIFICATE OF INTERESTED PERSONS

Emory King
Geofrey Dobson
James Harrison
Richard Weinberg
Edward Kelly
Richard King
Stephen Durant
Hancock/Oglethrope
Hudiberg
Charles Pickett
Gene Blackweilder
John Claxton
Joanne Kirkland
Wade Sparkmen
David Page Jr
John Miller
Joseph Balkcom
Ben C Higby
William Stafford
Morris Communications
Michael Conway
David Evans
Paul Levy
Gary Williams
Jann Ferrell
George Krahdelt
Bruce Barkett
John Lawlow III
Jim McLauhlin
Rauson Haverty
St Johns County
William Townsend
A.G. Nichols III
Lois Partin
Francis O'Loughlin
Barbara Sieberts
Jason Vail

b-2.)

b) * * CERTIFICATE OF INTERESTED PERSONS

Hazle Jones
Douglas Jones
David Conn
Michael Woodleif
Leo Foster
T.B. Bird
Chester Hamilton Estate
Kenneth Cooksey
Eleanor B Hawkins
Mammie V Capps
L. Page Haddock
Henry F Martin
Irene Scott
Willie Fortenberry
WM. R. MCCants
Thomas D MacNamara
Charles Pellicer
Winifred Hill
Greogary A Presnell
Robert Merkle
Dorothea Beene
Marka Lancaster
Hillary Burdent
Donald Cinnomond
Marshall Wood
Linda Hurst
Dennis Hollingsworth
Michael Millhorne
Haverty Furniture Co.
Ronald Palmer
Frank Upchurch
Florida Power & Light Co.
American Telephone & Tellgraph
James Sisco
Jack Shaw
Harris Brown
Joseph Lewis
Gayle Swedmakk
Jack Gibney

b) * * CERTIFICATE OF INTERESTED PERSONS

John Moore
W.T. Hodges
Harvey Schlesinger
Susan Black
Magistrate Snider
Charles Hood
Ed Brooks
Bullock & Childs
Michael Mullin
Marlin Feagle
Harold Wahl
Carl Markel
Jim Bishop
D.A.C. Corp
William Rose
Gary Allen
F.H.S.
James Peters
Jim Smith
Robert Butterworth
Dolvin Foreman
Clay Coward
Jann Johnson
Robert Smith
Marie Smith
Martin, Ade,Birthfield & Johnson
Akerman, Senterfitt & Edson
Henry C Adams
Scott Conley
Lawrence C Rolfe
Ronald MacComber

James Higginbotham
James Testone

Tom Brannan
Jim Higginbotham

b-4.)

b) * * CERTIFICATE OF INTERESTED PERSONS

Harold Wayne ( On State payroll)
Internal Revenue Service
Vernon Douglas ( On State Payroll)
Eugene Christain
Eddie Anderson
William Hailey
Mike Noone
St Petersburg Times
Scott Livingston
Southern Bell- Michael Millhorne
T.J. Grreson (on State payroll)
James Page ( On State payroll)
Tampa Tribune
News Leader
Orlando Sential
Roosevelt Baker
Nassau County Record
Laura Cook
Ernie Mastronni
Jack Reed
Gammett Channel 12 WTLV
H. Ray Walker ( On State payroll)
Florida Times Union
John T Wilkins
Bob Zankle
Douglas Pate.

This Orator would love to remove most of the name from the above list however this would leave the Certificate of interested parties incomplete and short of being truthful with this Honorable Supreme Court.

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d) * * A REFERENCE TO THE OFFICIAL

AND UNOFFICIAL REPORT OF ANY
OPINION DELIVERED IN THE COURT

1) There has been no court.

2) As a matter of fact, there has been no Notice of Hearing on any of the issues.

3) There has been no Judge except for the "Mail Order" Sears Roebuck style of Hodges 250 miles away.

4) No Confrontation of any witnesses.

5) No evidence adduced.

6) No responsive pleadings.

Only fraudulent averments of the adversary, the court itself, all couched upon Schlesinger's Defendants:

" Counsel obtained the results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

In as much as the U.S. Federal Court with their co-conspirators seeking dismissal without due process, what would you expect the findings of the court to be ?

## PROOF OF INJUSTICE

This court is invited to examine the Docket Sheet, You will find proof that;

1) This Action has not come before the court for trial by jury.

2) The issues have not been tried.

3) And the jury has not rendered any verdict. *(look for the date of the verdict, it can't be found)*

4) As there has been no jury. SEE U.S.C.A. Amend. 7 "Unconstitutional abuse"

a) It matters not how many times, The Judge Hodges Mob dismisses a case, "without due process of law", it is VOID because of U.S.C.A. Amend. 5.

b) It matters not how many times (Judge Handling) Wahl's Buddy Buddy Tjoflat and Hatchett, (all Brothers in the Jacksonville Bar) affirms Hodges VOID decisions, the decision in this action is still an AFFIRMED VOID DECISION because of U.S.C.A. Amend 5 "reached without Due Process, is VOID."

SEE Morrissey v Brewer 92 S, Ct. @ 2605.
"Evidence and Reason, in Written Form"

There has been no responsive pleeding!

e) * * STATEMENT OF JURISDICTION

The subject matter set forth in the complaint and the Amended Complaint does arise under the Constitution of these United State and is within 28 S 1343 U.S.C.A. S 1343 Article III Sec. 2 of the Federal Constitution provides that:

" The judicial power shall extend to all cases in law and equity arising under the Constitution of the United States and Treaties and or shall be made under their authority"

It is clear that the Cause of Action is one which "arises under" the Federal Constitution. Since the Complaint plainly sets forth a Case arising under the Constitution the subject matter is within the Federal judicial power defined in Article III Sec. 2, and so within the power of Congress to assign to the jurisdiction of the District Court.Congress has exercised that power. 28 U.S.C. S 1343 (3) 28 U.S.C.A. S 1343(3)

" The District Court shall have original jurisdiction of any civil action authorized by law".

Against State infringement by the equal protection and due process clauses of the fourteenth Amendment.

Douglas v Jeanette, 319 US 157 63 S.Ct. 8 L Ed 1324
Srefane v Minard, 342 US 117 S.Ct.118 96 L Ed 138 ef.
Nixon v Herndon 273 US 516 74 S.Ct.446 71 L Ed 59
Nixon v Gordon 286 US 73 S.Ct.484 76 L Ed 759
Snowden v Hughes 321 US 649 64 S.Ct.757 86 L Ed 987
Smith v AllWright 321 US 649 84 S.Ct.757 65 L ed 987.
Monroe v Pape 356 US 167 81 S.Ct.473,5 L Ed 2d 492
Egan v Anrora 356 US 514 81 S.Ct.648 5 L Ed 714
42 U.S.C.A. S 1983 42 U.S.C.S 1983

Provides:

" Every person under any color of any statue ordinance, regulation,custom or usage of any State or Territory or causes to be sub-jected any citizen of the United States or other person within the jurisdiction thereof; to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress"

The issuance by the Court of any extraordinary writ authorized by 28 U.S.C. S 1651 (a). Federal Jurisdiction is asserted under R.S. S 1979 and 28 U.S.C. S 1343 and 28 U.S.C S 1331, 28 U.S.C.A. S 1331.

The decision of the court of first instance as well as the Decision of the 11th Circuit Court of Appeals are in conflict with the decisions of other Federal Courts of Appeals on the same matter. There has been no Federal Rules of Civil Procedure Rule 7(a) answer to each averment. There has been no opportunity to be heard.

There has been no confrontation of witnesses

There has been no responsive pleadings.

All Federal Questions have been ignored.

1) The unlawful taking of property without full and just compensation.

2) The denial of due process of law, repugnant to our constitution.

3) The denial of protection of the law,

equal to that afforded others and especially the 11th Circuit has sanctioned.

e-4.)

(a) The void decision of the lower court

b) The infliction of cruel and unjust punishment to the tune of ONE HUNDRED THIRTY TWO THOUSAND,THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS up to date.

With Hodges,Wahl and Tjoflat begging for more,Bribes.

c) And now, the 11th Circuit beggs for more sanctions on behalf of Bribe-begging Vail.

This is such a departure by the 11th circuit Court of Appeals from other Courts, as to call for the exercise of this United States Supreme Courts power of supervision.

The intiial question of Federal Law that should be settled by this Supreme Court is:

1) The corruption and conspiracy in the Wahl Hodges court such as;

Defendants; " Counsel obtained results sought dismissal of the case prior to trial, and relief from harassment of the suit"

2) ONE HUNDRED THIRTY TWO, THOUSAND,THREE HUNDRED EIGHTY THREE AND38/100th DOLLARS

already inflicted and still the 11th Circuit demands more Cruel and unjust Punishment.

i) * * There has been no Notice of any Hearing, or any of the dozens of issues. * * No consideration of any material facts. * * Primarily the only proceedings has been, the Defendants Motion to Dismiss and the erroneous allegations of the Magistrate always on behalf and in favor of the Defendants.

(ii) * * The date of the entry of judgment was the 12th day of May 1988.

This case was appealed for the third time. The 12th of May 1988 in the 11th Circuit Court of Appeals.

f) * * CONSTITUTIONAL PROVISIONS

ARTICLE 1, SECTION 25 provides:

" The courts shall be open to every person for redress of any injury, and justice shall be administered without sale" Denial or delay"

Our Constitution does not provide for "redress" of any injury. to be a scheme of entrapment to inflict upon poor pro se persons ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE and 38/100th DOLLARS, ($132,383.38) as punishment for having put fourth a Good-Faith effort to Petition the Federal Courts for redress of grievances.

NO HEARING HAD ON ANY ISSUE

In Sniadach v Family Finance Corp 195 U.S. 337 89 S.Ct.1820, 23 L Ed 2d 394
In Funtes v Shevin, 407 U.S. 92 S.Ct.1983 32 L Ed 2d 556 1972

The Courts Hold:

" The opportunity to be heard must precede any actual deprivation of private property"

f-2.)

In Arstrong v Manzo 380 U.S. 545 552 85 S.Ct.1187 1191 14 L Ed 2d 62 1963)

The Court Holds"

" Our past cases mandate that some kind of hearing is required at some time before a State finally deprives a person of his property interests. The fundamental requirement of due process is the opportunity to be heard and it is an 'opportunity . which must be granted at a meaningful time in a meaningful manner"

In Parrott v Taylor 101 S.Ct,1908

The Court Holds:

CONSTITUTIONAL LAW KEY 251 .6

Fundamental requirement of due process is OPPORTUNITY TO BE HEARD and is an opportunity which must be granted at meaningful time in in meaningful manner"

In This action the Docket will reveal that

there has been no Due Process of Law no Hear

ing on the issues whatsoever !

" A Federal Court Judgment whether in a civil or a criminal case that is reached without due process of law is VOID U.S.C. A. Const. Amend 5

United States v Ritter 10 Cir 273 F 2d 30 32 cert den 362 US 950 S.Ct.863 4 L Ed 2d 869

Occidential Petroleum Corp v Chandler 10 Cir 303 F 2d 55 cert den 372 US 83 S.Ct.1288 718 9 L Ed 2d 722 reh den 373 US 81 S Ct 1288 10 L Ed 2d 201.

These Courts hold:

" The jurisdiction of this court to take action to guarantee a fair and impartial trial is no longer open to question, upon an adequate showing this court has held that it has the power and inescapable duty whether under the all writs statute 28 U.S.C.S 1651 or under its inherient powers of appellate jurisdiction to effectuate what seems to us to be manifest ends of justice"

g-1.)

g) * * STATEMENT OF THE CASE

The above styled Action would be more accurately styled The United States Court System VS John Barrow Jr the Court's Victim.

REASONS FOLLOW

1) This Case was filed pursuant to Federal Rules of Civil Procedure Rule 7 (a) in the form of a Complaint.

2) The Same Federal Rules ofCivil Procedure Rule 7(a) mandates;

> " There shall be a complaint AND AN ANSWER"

3) For personal reasons in the outcome The United States District or the United States 11th Circuit Court of Appeals is not the slightest bit interested in the upholding of the Constitution or the enforcement of the Federal Rules, as the 11th Circuit has affirmed the Void decisions of the District Court over and over and over!

4) Federal Rules of Civil Procedure Rule 8(b) " A party shall state in short and plain terms his defense. TO EACH CLAIM ASSERTED and SHALL ADMIT OR DENY the averments upon which the adverse party relies"

5) In this case and controversy the adverse party is the United States Court System. The Court Wm. T. Hodges, the prosecutor ( Judge handling) Wahl, Harvey E Schlesinger does file 99% of all adversary pleadings. Almost no resistenceby the various defend ants, Counsel is necessary. (Judge Handling) Wahl has organized a scheme by which Harvey E. Schlesinger provides a Total Defense for all defendants in all of these cases illegally consolidated by the Court. SEE: Edwards v E.I. DuPonte De Mumers 183 F 2d 156 (5th

6) Again, Federal Rules of Civil Procedure

> Rule 8(d) EFFECT OF FAILURE TO DENY averments in a pleading to which a responsive pleading is required. Other than those as to amount of damage, are admitted when not denied in the responsive pleading

7) The defendants counsel has never offered a responsive pleading. Please check the docket sheet.

8) The Honorable Harvey E Schlesinger has made the law of the Land obsolete and a responsivepleading unnecessary.

9) On behalf of the court and all their co-conspirators Harvey wishes the World to know the intent of the Federal Court and their co-conspirators. See page 8. Paragraph 8, of Harvey's Report and Recommendation;

> " Counsel (defendants) obtained the results sought; (by the conspiracy); dismissal of the case prior to trial, (repugnant to the due process clause) and relief from the immediate harassment of the suit"

And Justice be Damned !

> 55.3 Default Judgment by the Court;
>
> " If a party has not put in an appearance THE COURT MUST ENTER JUDGMENT by default, in order to constitute an appearance, however, defendant's actions must be responsive to plaintiff's formal court action. Baez v Kresge 96 S.Ct.1495 47 L Ed ed 745.

By using as a Guideline Morrissey v Brewer 92 S.Ct,@ 2605 The Supreme Court holds:

" Moreover in each case the decisionmaker must be impartial, there must be some record of the proceedings and the decision-

maker's conclusions must be set forth in written form indicating both the evidence and the reasons relied upon because of the Due Process Clause requires these proceedings"

The decision maker, Schlesinger, though by no stretch of the imagination is he, in any way impartial, he does ever so clearly put into written form on the record his only evidence and his only reason relied upon, to make all of his notorious gangland styled decisions.

THE SOLE INTENT OF THE COURT being not to uphold the Constitution but as H.E. Schlesinger does BOAST; in every report and recommendation.

(Defendants:)" Counsel obtained results Sought; dismissal of the Case prior to trial, and relief from the immediate harassment of the suit"

In virtually every case and every recommendation he, Schlesinger, repeats same. Check the Record. Schlesinger has no intention of being impartial. Schlesenger does not even pretend to be impartial, he strives to let the World know that he is biased.

BEST AVAILABLE COPY

CHAPTER (g) CONCISE STATEMENT OF THE CASE CONTINUED

It must be remembered that this Action just as all of the other Actions that this Petitioner filed was in the form of a Complaint, well grounded in law and well grounded in fact and in Good Faith.
Almost immediately it was converted by the collusion of the Defendants and the District Court into a case of an entirely different style to wit:
The United States District Court v Barrow.
From that day on, this Case and Controversy has been a War waged by and inflicted on this Petitioner, by the District Court.
Schlesinger, the Magistrate and Judge Hodges have been the principal adversaries.
From that time on, all that the Defendants care to discuss has been," Was the dismissal of the Plaintiff's amended complaint an abuse of discretion ? Obvilously, to all of the conspirators in the Wheel Within A Wheel, Both the dismissal and the sanctions were proper

without any Due Process of Law whatsoever. Harold B ( Judge handling) Wahl's partners in the 11th Circuit, being so well handled by Wahl, their Jackosnville Bar Brothers, that naturally Judge Hodges VOID DECISION has been affirmed wherefore we now have, AN AFFIRMED VOID DECISION, and nothing more.

The entire episode of U.S. Federal Court Humanties should be Edited and Published around the World.

This would solve the immigaration problem, at an extremely low cost.

ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS

($132,383.38) is an ungodly amount to be punished, for a Good-Faith effort to seek redress of grievances without even one day in Court, without a jury. This Petitioner is Truly a Man without a Country, without any Constitutional Rights !

g) * * * CONCISE STATEMENT OF THE CASE

This Action is for relief for the taking of Petitioners property in an illegal manner, repugnant to the Taking clause of our Constitution of these United States by State Agents, all of which has been committed " Under Color of Law".

This Action is not an Appeal from any previous Action and this Case has nothing to do with the Assessment of Taxes on property belonging to this Petitioner or the collection of taxes or appraisal of said property.

The Issue at this Point and Time is not whether or not the District Court correctly dismissed the Plaintiff's amended Complaint.

Also at this Point and Time it is not proper to consider whether or not the courts have abused their discretion in the impos-

ition of Sanctions to the tune of a total to date of;

ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE DOLLARS

This Case has never progressed beyond the initial stage. Federal Rules of Civil Proceedure Rule 7(a). " There shall be a Complaint and an answer" as there has been absolutey no responsive pleading, absolutely no admission or denial of any one of the averments enumerated in the complaint.

There has been absolutely no notice of hearing on any Issue enumerated in any Complaint.

Absolutely no Jury even though constantly demanded and therefore there has been no verdict of any jury.

When the Judges in the Court of First instance as well as the Court of appeals, are so filled with Hate, Enmity, Meanness, and madness as to inflict the staggering

amount of;

| |
|---|
| ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE DOLLARS |

in Cruel and Unusual Punishment and only because Plaintiff having sought Redress of Grievances provided for in our Constitution, then it cannot be said that anyone of these Federal Judges are competent and impartial.

Their Personal Interest in the outcome truly taints their quality of Competence. The Magistrate has Ordered that this Plaintiff not use any Case Law. The Magistrate has fully disclosed the INTENT OF THE COURT and the Defendants Counsel in collusion therewith:

| |
|---|
| (Defendants " COUNSEL OBTAINED RESULTS SOUGHT; DISMISSAL OF THE CASE PRIOR TO TRIAL AND RELIEF FROM EMBARRASSMENT" |

of the Guilty Defendants.

g-4.)

The Court of First Instance has dismissed Twenty (20) of this Petitioner's Cases. Not only is each and every dismissal a VOID DECISION, it is also a denial of access to Court. ( Judge Handling) Wahl Jacksonville Bar Brothers has AFFIRMED THESE VOID DECISIONS. Will this United States Supreme Court take Supervisory control and thereby provide for relief as is found meet and proper by this Court ? Both the Taking of Property without full and just compensation and the impairing of the State's Contract are Federal Questions. to say nothing of deprivation of Procedural Due Process of Law and the deprivation of Equal Protection of the law and conspiracy.

h) * * REVIEW OF THE JUDGMENT

The judgment in this Action is not the results of any Hearing on any Issue of any Complaint.

There has been from the very Genisis of this Action, but one dogmatic intent which has been NOT only admitted by the Central Figures in this Federal Court Conspiracy, But Highly BOASTED by H.E. Schlesinger,

SEE Schlesinger's Report and Recommendation Page 8, Paragraph 8, The Court and Defend - ant's " Counsel obtained results sought; dismissal of the case prior to trial," ( without any due process whatsoever) .

A disgrace to the Human Race. The excuse is that the Complaint is frivolous.

All Complaints would be such, as could not be proven, if they were handled in such a way as to deny any hearing on any Issue, as is the case at hand.

The Court of First Instance has ignored the Federal Questions involved and though it

is hard to believe the 11th Circuit has affirmed these VOID DECISIONS - Void because of no Due Process of Law. SEE: U.S.C.A. Const. Amedn 5 and see also U.S.C.A. Const. Amend 7.

The Federal Questions contained in the Complaint were timely raised and properly raised, however, all questions Federal and otherwise, have been ignored by District Court and the Court of Appeals.

All that is of interest to these Courts is to promulgate sanctions without any hearing on the appropriateness of Sanctions FOR THE PURPOSE OF COERCION.

Except for the matter of sanctions, there has been no adjudication of any issue or material Fact. Wherefore, the judgment in this Action are only for Extortion by force of the court to provide FOR Spoils to be split pursuant to F.S. 877.01(4). Unless it pretains to Sanctions totaling as of this date.

ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS there is no Judgment to be reviewed. As there has been NO HEARING ON THE ISSUES HAD. No Confrontation of witnesses, No evidence adduced, no excuse of any adjudication.

In Padovant v Brachenusen 293 F 2d 546;

The United States Appeals Court points out;

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome"

Under the federal rules a Plaintiff pleads facts, not law, and the law is to bw supplied by the court" Fed. Rules of Civil Procedure Rule 54 (c) 28 U.S.C.A.

i ) * * BASIS FOR FEDERAL JURISDICTION
IN THE COURT OF FIRST INSTANCE

The subject matter set forth in the Complaint and the Amended Complaint does arise under the Constitution of the United States and is within 28 S 1343 U.S.C.A. S 1343.

Article III S 2 of the Federal Constitution provides that:

" The judicial power shall extend to all cases in law and equity, arising under this Constitution , the Laws of the United States and Treaties made or which shall be made under their authority"

It is clear that the Cause of Action is one which "arises under" the federal Constitution.

Since the Complaint plainly sets forth a case arising under the Constitution the subject matter is within the federal judicial power defined in Art III S 2 and so within the Power of Congress. to assign to the jurisdiction of the District Court, Congress has exercised that power in 28 U.S.C. S 1343

(3) 28 U.S.C.A. S 1343 (3)

The District court shall have original jurisdiction of any civil action authorized by law"

The court has frequently sustained District Court jurisdiction under 28 U.S.C. S 1343 (3) 28 U.S.C.A. S 1343 (3) against State infringement by the Equal Protection and Due Process Clauses of the Fourteenth Amendment.

Douglas v Jeanette 319 US 157 63 S.Ct.877 87 L ed 1324
Srefane v Minard 142 US 117, 72 S.Ct.118 96 L Ed 138 ef
Nixon v Herdon 273 US 356 47 S.Ct.466 71 L Ed 759
Nixon v Gordon 286 US 73 52 S.Ct.484 76 L ed 984
Snowden v Hughes 321 IUS 64 S.Ct.397 88 L Ed 497
Smith v Allwright 231 US 649 64 S.Ct.757 88 L Ed 987
Monroe v Pape 356 US 167 81 S.Ct.5 L Ed 2d 492
Eagn v Anrora 356 US 514 81 S.Ct.684 5 L Ed 2d 714
42 U.S.C. S 1983 42 U.S.C.A. S 1983 Provides:

" Every person under color of any Statute, ordinnce, regulation custom or usage of any state, territory subjects or causes to be subjected any citizen of the United

States or other person within the Jurisdiction thereof to the deprivation of any rights, privileges or immunities accured by the Constitution and laws shall be liable to the party injured in an action at law suit in equity or other proper proceeding for redress"

STATUTORY GROUNDS FOR JURISDICTION ARE

28 U.S.C. s 1331- Federal Question
28 U.S.C.A. S 1331- Civil Rights
U.S.C. S 1343 Limit Jusisdictional No.
28 U.S.C.A. S 1343 -R.S. 1979
18 U.S.C. S 242 Color of Law
28 U.S.C. S 1346 (a) (12) Just Compensation
18 U.S.C.A. S 242 Color of Law
Wrongful Acts of State Official
U.S.C.A. 1985 (3) U.S.C. Const 13s 2
Discrimination Art IV S 2 U.S. Const.
28 U.S.C. S 41
28 U.S.C.A. S 41 (1)
Lack of Eniment Domain proceedings 28 USC S 1403
28 U.S.C. S 2281 Three Judge Dist. Court
28 U.S.C. S 1337 Original Jurisdiction.
S 20 Substantive office.Under color of law
42 U.S.C. S 1983 Damage & recovery
28 U.S.C. S 1442 (a) (1)
28 U.S.C. S 1442 (a) (3)
P.L. 87-748- 76 Sta (962 28 U.S.C. S 1361
This plaintiff hereby invokes the Constitution of the United States;
Especially;
Amendment V and XIV Due Process of law
Amendment V an XIV
Amnedment V and XIV Denial of property rights
Amendment VII Denial of property rights
Amendment I Redress of Grievances
Amendment VI Right to confrontation

Article 1 Sec 10 ex post facto laws

Article VI Authority of US Supreme Law clause 2.
42 U.S.C. pre-trial publicity fair trial impossible USCA Const A 6 6494
28 U.S.C. S 1346 (a) (12) Taking of property without just compensation

FEDERAL QUESTIONS : Involved in this action are obvious.

The impairing of obligation of contract Taking of property and holding property in an illegal manner without full and just compensation repugnant to the constitution of these United States in definance of the takingclause of the fifth Amendment as incorporated against the States by Fourteenth Amendment (479 U.S. -- 1986 Jurisdiction.

The flagrant denial of equal protection of the law. as guaranteed by our constitution of these United States.

SEE Federal Rules of Civil Procedure Rule 7 (a) and Rule 8(b) and Rule *8(d) Rule 55 and others.

A complete deprivation of fundamentals of procedural due process of law, appropriate to the circumstances.

In United States v Ritter 10 Cir 273 F 2d 30 32 cert den 362 US 950 S. Ct. 863 4 L Ed 2d 869
Occidential Petroleum Corp v Chandler 10 Cir 303 F 2d 55 cert den 372 US 83 S Ct 718 9 L Ed 2d 722 reh den 373 US 915 81 S. Ct. 1288 10 L Ed 2d 201

These Courts hold:

" The jurisdiction of this court to take action to guarantee a fair and impartial trial is no longer open to question, upon an adequate showing this court has held that it has the power and inescapable duty whether under the all writs statute 28 USC s 1651 or under its inherient powers of appellate jurisdiction to effectuate what seems to,us to be manifest ends of justice"

i-In Padovant v Brachenusen 293 F 2d 546

The United States Appeals Court points Out;

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome"

Under the federal rules a Plaintiff pleads facts, not law, and the law is to be supplied by the court" Fed. Rules of Civil Procedure Rule 54 (c) 28 U.S.C.A.

m) * * FRIVOLOUS THIS APPELLANT'S PLEADINGS ARE NOT

In Treat v State ex rel Mitton, 121 Fla 309 So 883

The Court Holds:

"A" Frivolous appeal is one presenting no justiable questions and so readily recognizable as devoid of merit on face of record that there is little prospect that it can ever succeed".

In Erwin v Lowery, 64 N.C. 321
In Strong v Sproul 38 N.Y. 499
In Gray v Gidiere 4 Strob S.C. 442
In re Beam N.J. L. 779 121 A 713 714

The Court Holds:

" Any pleading is called " frivolous" when is clearly insufficient on its face and does not controvert the material points of the opposite pleading and is presumably interposed for mere purpose of delay or to embarrass the apponent"

There is by no stretch of the imagination any part of Appellant's pleadings that is insufficient in substance. All of Appellants pleadings are well grounded in law and well grounded in fact.

THE WHEEL WITHIN A WHEEL CENTRAL FIGURE

a) Central Figure Schlesinger's own say-so does not constitute " Due Process of

Law" appropriate to the Circumstances.

b) Central-Figure Schlesinger's has record ed, in written form no evidence and reason relied upon for he, Schlesinger, as decis-ionmaker to rely upon.

c) Central-Figure " Mail Order" Hodges has not abided by due process requirements set forth in Federal Rules of Criminal Procedure Rule 42(a) or Rule 42(b), also this Victim of this Federal conspiracy is entitled to a trial by jury, .

d) The reason for appropraiteness of sanctions is based soley on the meanness and madness of Schlesinger's own Say-so

e) If the District Court has recorded in written form any evidence and any reason for sanctions amounting to ONE HUNDRED THIRTY TWO, THOUSAND THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS, ($132,383.38

other than the meanness and madness of the Wheel Within A Wheel Conspirators let it be shown on the Docket Sheet.

Otherwise, Pursuant to U.S.C.A. Const Amed. 5, their decisions are void. Any affirmance of a void decision is still VOID, especially, with no evidence and no reason recorded in written form, upon which the decisionmaker's opinion is based. SEE: Morrisey v Brewer 92 S.Ct.@ 2605

SEE ALSO:

JONES V BALES: 38 F.R.D. 453 463 (N.D. 1972) aff'd 480 F 2d 805; ( 5th Cir 1973)

The Fifth Circuit holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive frivolous or malicious lawsuits They are immune from imposition of costs if they are un-successful and because of their poverty they are practically immune from later tort actions for 'malicious' prosecution or abuse of process"

SUPREM COURT OF THE UNITED STATES
WASHINGTON, D.C.

JOHN G. BARROW Petitioner

VS. CASE NO.

Respondant

**********

MOTION FOR LEAVE TO FILE A PETITION FOR WRIT OF CERTIORARI BY A PERSON APPEARING pro se

##########

Comes now, Plaintiff-Appellant-Petitioner John Barrow, requesting leave to file this Petition for Writ of Certiorari as a person appearing pro se.

This Petitioner has tried for years to obtain Counsel, in Georgia, New Jersey, New York Philadelphia, Utah and Texas.

On one occasion Petitioner was told by Race Horse Haines of National Reputation in Dallas Texas that it would cost $5,000.00 for Attorney Haines to look into such an arrangement The Money Order was mailed to Mr Haines, who in a few weeks returned the money order for $5,000.00 expressing his regrets. But no

thanks. You see, the problem is that the News Media has smutted and smeared this Plaintiff-Appellant-Petitioner without mercy world wide for acts not committed by this Petitioner, however all attorneys who express a reason, state that their " Public Relations" will not stand Petitioners adverse publicity. This pro se person should have constitutional rights the same as other persons.

Respectfully Submitted

I HEREBY certify this 24 th day of May 1989 that I did furnish a true copy of the above to all Cousel of record.

John G Barrow

JOHN G BARROW JR
A Layman without legal education
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

AFFIDAVIT OF SERVICE OF A PETITION
FOR A WRIT OF CERTIORARI

STATE OF FLORIDA
COUNTY OF NASSAU

Before me, this day personnaly appeared JOH G BARROW JR, who being duly sworn, deposes and says, that I did deliver by United Parcel Service a true copy of this Petition for Certiorari, with First class charges thereon, addressed to all Counsel of Record, this 24th may 1989

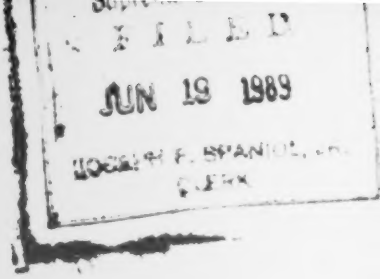
JOHN G. BARROW JR
A Layman without legal education
Rt 1 Box 470
Callahan, Florida 32011
9040845-2475

Before me, personally appeared.JOHN G BARROW JR, to me well known and know to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me, that he executed said instrument for the purposes therein expressed.
Witness my hand and official seal this 24th day of May A.D. 1989.

Alma M. Barrow
Notary Public
State of Florida

Case Number

88-2078




IN THE

# *United States SUPREME Court*

SPRING TERM 1989

**APPENDIX TO**
**PETITION FOR WRIT OF CERTIORARI**

**JOHN G. BARROW JR.**
Plaintiff - Appellant - Petitioner
vs.
**N. G. LUND et. al.**
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

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# P R E F A C E

In twenty Actions I have filed, the District Court has dismissed twenty cases. Without the adjudication of any one issue, in any one case. Judge Hodges is determined to Ruin this Petitioner.

In the nineteen (19) cases that have been appealed Judge Tjoflat and Judge Hatchett have affirmed and sanctioned Seventeen (17) of these cases and is assured to affirm the other two actions appealed.

This is unquestionable the delay of justice, the denial of justice and the refusal to afford even to a hearing on the issues, without justice being purchased.

Wherefore if this Supreme Court does not have the Supervisory Power of the Federal Courts, to insure a Fair and Just trial, by a competent and impartial Judge, and Jury, or on the other hand are lead by Hodges enmity, Tjoflat's and Hatchett's

obligation to Bar Buddy Wahl, then will you the Supreme Court, be so kind as to admit that there will be no " Redress of Grievances" No hearing of the issues, and no Jury hearing.

I cannot approach the Supreme Court in Forma Pauperis as I have thousands of dollars tied up in loans to the State that Judge Hodges, Judge Tjoflat and Judge Hatchett are dogmatically determined that I shall not receive any adjudication thereof.

No attorney will assist me.

Will you help me ?

Chapter a) * * PETITION FOR A

WRIT OF CERTIORARI

##########################################

This action has been dismissed by the Court of First Instance, which dismissal is VOID. Because of no hearing on any issue has been had. THIS VOID DECISION has been affirmed by U.S. Circuit,

Judge Gerald Bard Tjoflat only too well known to (Judge Handling) Wahl knows, a Void decision that is affirmed, is only an AFFIRMED VOID DECISION. The affirmance of that Void Decision does not make the Cheese any more Binding. This action is the same ab initio grievance because no Meaningful adjudication , whatsoever.

Plaintiff still awaits a Responsive pleading ! NO decisionmaker has recorded any evidence and any reason what-so-ever relied upon to deny this Petitioner even one answer,or one day in court on issues or merit of the law, or in open forum

set forth in written form, See; Morrissey v Brewer, 92 S. Ct. @ 2605.

Also in the Same Order is the denial of Appellants Motion To Amend.

In Foreman v Davis, (1962) 371 US 178 182 83 S Ct 227,9 L Ed 2d 222,

" The Court citing TREATISE, reiterated the philosopy of Rule 15 that Amendments of the pleadings ARE TO BE FREELY GRANTED EVEN AFTER A COMPLAINT HAS BEEN DISMISSED"

3) Page,c-1,c-2 is the Order appealed from in the Court of First Instance.

The Decisionmaker reached this decision without any evidence, or reasons of his own.

This decision was couched upon the Void Decision of the Magistrate as the Magistrate has not recorded any written form indicating the evidence and the reasons relied upon for the decision.

The Magistrates Decision was based entirely upon his own "Say-so" as there was no confrontation of any witness, any testimony taken any evidence other than the Complaint presented and no answers to the Complaint.

4.)Appendix c-3,is the Judgment of the Court of First Instance.

SPECIAL ATTENTION INVITED

There was no trial and;

There was no hearing before the Court,

There was definitely no Issues Whatsoever tried or heard and the Decision has been rendered by Judge Hodges Void Decision because of being reached without any due process of law, whatsoever.

Judge Hodges based his decision on the "Say-so" of Hravey E Schlesinger which was void because of being reached

without any due process of law and couched upon Judge Melton's decision which was Void for the same reason, having been reached without any due process what soever.

This entire Chain of Void Decisions has been approved, affirmed and ratified by the Circuit Court of Appeals, without any due process of law whatsoever.

THE ENTIRE RECORD

To the Court of First Instance and To the Court of Appeals;

(i) THE ENTIRE RECORD has no meaning what so ever.

(ii) The only concept of Justice in the Court of First Instance as well as the Court of Appeals in One MISSTEP, that is just like a Game of Chess.

(iii) Then they have Liberty and Justice for all, that is, all Members of the Bar

and/or the Folks with very deep pockets.

(iv) Pro se Persons in their eyes are lower than an enemy Alien. This Petitioner should not be a Victim of discrimination.

(a) Because of being a pro se Person.

(b) Or, because of having Indian Roots on both sides of his family.

(c) Or because of not being a Member of the Bar, in good standing with Judge Hodges.

Petitioner is still entitled to be Heard, at least One Day in Court, contrawise this is a Sad, Sick Day for our Constition.

The only supporting Opinion is that of John E Lawlor III Assistant United States Attorney, Jacksonville, Florida.

To quote John E Lawlor III from his

(a-6.)
Brief for Appellee in the 11th Circuit

dated the 21st day of October 1986.

1.) " The Order entered by Judge Hodges on August 15th 1984, MERELY adopts the ( ERRONEOUS) recommendations of the Magistrate. See Page 4 of that instrument"

2.) " An Order simular to the one appealed from which MERELY adopts the Magistrates recommendations does not * * * " See Page 4 of that instrument.

3.) " The trial Court's determination of " Bad-faith" was based on a history of vexatious litigation predating the bringing of the present action and further determination by the court that the matter should be dismissed because of the case being dubject to the defenses of res judicata"

4.) " This was not a case of Bad-faith" arising during the course of litigation"

5.) " If res judicata determination is reversed the determination of Bad-faith is affected"

6.) " And if the determination that the Plaintiff acted in bad-faith is reversed, this may have an impact upon the question of res judicata"

7.) " First as a practical matter, if this court were to reverse the case on the merits, this would necessarily have an impact upon the question of whether the plaintiff was acting in bad-faith"

8.) " Accordingly, it is respectfully submitted that if this court undertakes jurisdiction of this cause, it then has jurisdiction TO REVIEW THE ENTIRE CASE, including the determination that the plaintiff is liable for the attorney fees as a result of his Bad-faith"

By way of reasoning throughout the entire record, and the Course of Proceedings, all of which have been established on the Decisionmakers own "Say-So" and without any Written Form setting forth any evidence or reason relied upon. the Court is Urged by this Appellant to look the Entire Record Right In Its Face.

1.) To begin with, there was filed the Complaint. Fed. R.Civ. P. Rule 7(a)

But no answer.

2.) There was never " a responsive pleading" filed by any Defendant to any Complaint. See: Fed. R. Civ. P. Rule 8(d)

3.) Harold B Wahl, solicited many of the Counsel's of many of the Defendants. Harold already had the Deep Pockets of A.T. T. by which to Handle the Judges, The Clerks, and the Federal Court. What more Clout did Wahl need at his command ?

4.) There were many letters and teleconferences with the majority of the counsel and various members of the Federal Court System.

5.) There was ex parte letters to Judge Hodges and from Judge Hodges came his response ex parte.

6.) There was the expediting of " the Intent of the agreement"that has since

been explained ever so clear, by Schlesinger in his confession. See Page a-15.)

7) At the same time, there was the co-operation of the parties,as to the "intent to accomplish the object" of the agreement.

8.) Whereupon, as part of the plan of the Oppressive injury directed toward the infliction thereof, of this pro se Person, Judge Hodges consolidated "ALL OF THESE CASES" . This can never be over come.

9.) The Federal Court System, or at least Hodges Court System, refuses to enforce Federal Rules Civil Procedure Rule 7(a) and Rule 8(b) and Rule 8(d) as well as Rule 55, except as applied against pro se Persons. The Hodges

a-10.)

Court's aim is not to enforce the law but to deprive this pro se person's rights, protected by the Constitution

See: Screws v United States, 325, US 91 106 (1945) (dictum)

(b) To obtain results sought; the plan including " an Anti-Federal Intent" with scienter, which does affect the General Public such as this pro se Person, in the area of Constitutional control, clearly exhibited by the conspirators is a continous and " conscious Union of will" upon this common undertaking, State v Looney, 179, ATL 623 ( S.Ct.1935)

c) This Conspiracy by the Wheel Within A Wheel Scheme has a Corrupt Motive with Wrongful Intent.A meeting of the minds in an unlawful arrangement" to deny

Constitutional right of this pro se Person. See: American Tobacco v U.S. 328, US 781,810.

d) " The specific object" of this conspiracy is " to inflict a Felony upon the Constitutional Rights"of this pro se Person, " With Criminal Intent" to deny this pro se Person and his Complaints any access to Court. The effect of Hodges illegal consolidation can never be eradicated. This amounts to permenent contamination of all cases. See: Yates v U.S. 354, U.S. 298 334;

e) This does Stifle any possibility of due process of law, to this pro se Person et al. And is very damgerous to the Federal Government because of " the Anti-Federal Intent" Most certainly the denial of due process to all pro se Persons, present and threatened.

10.) This Wheel Within A Wheel Conspiracy vitaties Public Moral and does Constitute Evidence of " Overt Acts". Proof of same is Central Figure H.E.S. Confession See Page a-15.)

11.) The results of the above described Wheel Within A Wheel Conspiracy has been to By Pass all of the adjudication of each and every issue, that has arisen in this confrontation, as expressed by some of the Counsel, " All that is left for review for this Court of Appeals is that of;

a) Did Judge Hodges Court abuse its discretion by the act of inflicting the extortion of tens of thousands upon top of tens of thousands of dollars of Sanctions to be awarded as Bribes; so as

to split the spoils between themselves and their co-conspirators ?

b) Did the Court abuse its discretion in the dismissal of Hodges " ALL OF THESE CASES" based upon his void decision, which was reached without any due process of law whatsoever ? All based upon Schlesinger's " Say-so" which was based upon Melton's void decision, reached without any due process of law,.

12.) The answer to a), above is Yes. The Court did abuse its discretion, in substituting relief by due process of law, with extortion of ungodly amounts to be divved up between the Central-Figures and their Co-conspirators.

13) This cannot in any reasonable thinking and reading community believed to be

equality and justice for all.

14.) This Sanction Scam makes a Dirty Fraud out of the Constitution.

15.) This Appellant Urges this Court to take Supervisory Control by the Adjudication of each of the Issues that have arisen by the review of the Entire Record.

16.) Until the emplementation of such Procedure is carried out there can be nothing else for this Court of Appeals to review.

17) This filithy corruption in our Federal Court has got to go !

18.) The answer to b) above, is Yes. The Hodges Federal Court has abused its discretion , by its " results sought" by the three Central Figures. All of which flies up in the face of any respectability of

our Federal Court System, and the Constitution of these United States.

" To avoid harassment to their cohorts resulting from a fair and just trial"

loathing and nauaiating !

19) The laws of conspiracy punishes intent alone. Lambert v People, 9 Cow. 578,624-25 m.b. N.Y. (1827)

THE CONFESSION OF THE CENTRAL FIGURES

" Counsel obtained the results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

20) This confession is Loud and Clear the confession of!

a) " inetent to the agreement" Fowler v Padgett, 7 T,R. 509 514.

b) " Intent to the accomplishment" (obtained results sought)

c) A Loud and Clear " Anti-Federal Intent" 18 U.S.C. § 2312.

d) " An intent to do wrong" because of alleging to have immunity. ( dismissal prior to trial, relief for cohorts.

e) " A specific object" to attain a felonious injury inflicted upon the Person of this pro se Person. See:

People v Dorman,415, 111, 358, -114 N.E. 2d 404 (1953)

The Three Central Figures are guilty of the one conspiracy and of other conspiracies because of informing each by each and other individuals with whom they plot.

Mendelson v United States, 58 F 2d 532 (D.C. Cir 1932)
Regins v Murphy 8 Car P 297, 173,Eng Rep 502 (Q.B. 1837)

In connection with the Preceeding Chapter Summary of the Argument, let us then take up a review of the Overt Acts with Scienter committed by the Wheel Within A

Wheel Conspirators. Not in one case only, but Hodges " ALL OF THESE CASES". An Epidemic of Overt Acts. Proof of which is not only the confession of Harvey E Schlesinger on behalf of the Central Figures, but also the end results. This amounts to proof of the pudding. All reeking with an extremely high pungent aroma. Each new Overt Act" renews the running of the Statute. See:

Gruewald v United States,353,U.S. 391-97, (1957)
Ware v United States, 154 Fed. 577, 579, (8th Cir) cert den. 207, U.S. 588, (1907)
Cooke v People, 231 111, 9 82 N.E. 863 (1907)
People v Hines, 284, N.Y. 93,29 N.E. 2d 483 (1940)

Appellant does ever so Urgently, call upon this Honorable Court of Appeals to defend its honor by the eradication of this dastardly Wheel Within A Wheel Corruption in our Federal Court System.

It goes beyond disgrace and disgust. In addition to " the Central Figure's Confession" and, end results of vitiating Hodges " ALL OF THESE CASES" and the Void decision because of being reached without Due Process of Law, What more evidence of conspiracy and corruption do you need ?

Will it be left up to the United States Supreme Court and/or Congress ?

If the Sixteen Void Decisions ---- Sixteen Void Decisions, in consession are swept under the rug, will they stay there ? Or, will they Haunt forever those who have neglected their duty ? This question has been raised, What say Ye ?

In Paoli v United States 352 U.S. 232;

The Supreme Court Holds:

" The Appellate Court may examine the particular circumstances in each case"

LET US NOT FORGET

All of the above included in this instrument and the Entire Record can be said in but one word. OPPRESSION !

1) In People v Learman,28 N.Y.S. 2d 360;
The Court Holds:

" A public officer who unlawfully arrests another or detains him against his will, or seizes or levies upon another's PROPERTY or dispossesses another of any lands or tenements or does any other act whereby another person is INJURED IN HIS PERSON PROPERTY OR RIGHTS is guilty of oppression Oppression is an unlawful use of authority and it is not committed by threats but by an unlawful act of the accused".

2) By the neglect of the Court of First Instance to enforce Federal Rules of Civil Procedure especially, Rule 7(a) 8(b) and 8(d) and Rule 55 there is vividly demonistrated a willingness to Vex,

Harass and to Injure consistent with

" Wrongful Intent to Injure"

3) The consolidation of " ALL OF THESE CASES" and the Hodges denial of access to Court clearly demonistrates the Wheel Within A Wheel " Intent to Injure" this pro se Person.

4) The very charge of Sanctions being appropriate, exhibits an " Intent to accomplishment"

5) The entry of Central Figure Hodges Order for such ungodly and unreasonable judgments levied upon this pro se person vividly demonistrates oppression, coercion complusion and constraint by force of the Federal Court.

SEE: Santer v Santer,115 Pa. Super 7, 174, A 65 1, 652.
Also Fluharty v Fluharty Del Super 8 W.W. Harr. 487 193,A 838 840.

Actual direct and by use of Force of the Federal Court System.

6) Actual Malice including " Malicious Intent" is shown by Central Figure Harvey E Schlesinger's confession. See: Parrott v Bank of America , 97, Cal App. 2d 14, 24-25, 217, F 2d 345 (hg den) Also; Watson v Anderson, 6 Cal App. 3d 1003 1009 -1010, 85 Cal RPTR 345 (hg den)

Certainly a Motive and Willingness on the part of the Federal Court System and their Co-conspirators to Vex, Harass and Annoy this pro se Person.

See: Haun v Hyman,223 Cal App 2d 615 36 Cal RPTR 84.

These Judgments for tens of thousands, upon tens of thousands, of dollars of Sanctions is intended to subject this pro se Person to Cruel and Unjust hard-

ship, loss of the remainder of his natural life and " a Conscious disreguard" of this pro se Persons Rights

See: Roth v Shell Oil Co 185 Cal App 2d 676, 682, 8 Cal RPTR 514 (hg den)

Extortion has been defined as obtaining property ( judgments) induced by the unlawful use of force ( of the Federal Court System) most repugnant of all by a Federal Court Officer and his Co-conspiring Co-horts " under color of Federal Office".

7) The Central Figure Hodges Order to award judgments without having been reached without due process of law and without a jury, is proof of " commission of an unlawful act" to injure and a Felony upon the Person of this pro se Person.

8.) The Central Figure Schlesinger's Act of promulgating this infliction of Sanctions with the Aid of Central Figure Harold B. ( Judge Handling) Wahl is proof that the commission of the unlawful Sanctions was a deliberate act with the " Intnet to severly Injure".

9) The issuance and filing of the Judgments by the Clerk under orders of Central Figure Hodges proves that the unlawful, void decisions and the award of sanctions was committed in collusion of the various defendants and was also committed with " the deliberate purpose of injury " to this pro se Person, which acts do constitute a Tort, and does further show that their acts were with Malice and Scienter and with

a -24.)

" an intent to oppress" this pro se Person.

10) The above has been accomplished by use of excessive authority emplement-ed by Officers of the Federal Court System whose acts are acts of Cruelty, unlawful exeactions under color of law which is a more extensive sign-ification and does embrace many other Void decisions and other acts of Offic - ial malfeasence and misfeasance of office.

11) The wrongful intention to injure this pro se person, is a paramount factor that calls forth the penalty of punitive and exemplary damages to this pro se Person.

SEE: Acadia California Ltd.v Herbert
54 Cal 2d 5 Cal 2d 632 198 P 2d 1

12.) In Cf. People ex rel Reardon v. Flynn, 58 Misc. 621 111, N.Y,S. 1065;
In Delaney v Flood , 183, N.Y. 323 329 76 N.E. 209 210, 2 L.R.A. N.S. 678, 111, Am St Rep. 759 5 Ann Cas. 480.
In Stevens v McAdoo, 112 App. Div. 458 462 98 N.Y.S. 553 555

These Courts hold:

> " An example of the same oppression is to be found where an official performs an act which is within the scope of his official authority but in performing the act he does so in bad faith and in pursuance of some evil purpose not connected with his duty. The crime might also be established where an officer performs an unauthorized act under the pretense that that he is performing his official DUTY and has the power to do the act in question"

13) In Idlewild Bon Voyage Liquor Corporation v Rpstein 370 U.S. 713.

The Supreme Court Holds:

> " Supermacy Clause of the United States Constitution a three judge court should have been convened since applicable jurisdictional statute made it impermissible, for a single judge to decide the merits of the case either granting or with holding relief"

a -26.)

13. We agree with the court of appeals that a three judge court should have been convened in this case. When an application for a statutory three judge is addressed to a district court, the court's inquiry is appropriately limited to determining whether the constitutional question raised is substantial whether the complaint at least formally alleges a basis for equitable relief and whether the case presented otherwise comes within the requirements of the three-judge statute. Those criteria were assurdly met here and the appibable jurisdictional statute therefore made it impermissible for a single judge to decide the merits of the case, either by granting or with-holding relief"

28 U.S.C.A. § § 2281-2284
U.S.C.A. Const. Art I § § 8 c 1 31
34
Also See Baily v Patterson, 369 U.S.31
34

15.) All being part of the over all enity involved in a conspiracy to participate in a pattern of racketerring of more than one act of corruption interstate because of the Federal District Court which is a Federal Government Entity. 18 U.S.C.A.
s 1962

16.) In United States v Stratton, 649 F 2d 1066;

The Fifth Circuit Holds:

" Florida third judicial circuit a Goverment entity, properly constituted an " Enterprise" under the Racketeer Influenced and Corrupt Orginzation Act. 18 U.S.C.A. § 1961 (4).
Under the Racketeer Influenced and Corrupt orginazation Act prosecution is not required to specify whether the enterprise is either a " legal entity" or a group of individuals associated in fact although not a legal entity"
18 U.S.C.A. § 1961 (4)

a conclusion, could not be complete without a review of the Entire Record.

1.) The complaint explains in detail the injuries to this Pro se Person, by the Defendants.

2.) The Complaint states very clearly the Facts and the Issues.

3.) The Complaint states the Relief sought, which should be granted.

a-28.)

4.) The Complaint invokes jurisdiction including the invocation of the Constitution itself.

5.) The Complaint is definately not Frivolous, as each claim and averment is well grounded in Fact and in Law.

6.) All of the Pleadings are well grounded and in Compliance with the Rules, not for the purpose of Appellant being raped by the Sanctions Mongors but, to attest to the Facts of the Good-faith and Sincerity of this pro se Person.

7) This Case has been over ridden by Corruption of the Federal Court System. To Quote Central Figure Harvey E Schlesinger

" Counsel obtained results sought;
See Page a -15.)

a) Now, this pro se asks this 11th Circuit just what does this mean to you?

Does that sound to you like a Court of Competent Jurisdiction ? Or, would you say that the Central Figures were truly interested in the outcome ? In a very personal manner ?

Biased and Prejudiced, seeking dismissal without due process of law ? See Page a-15.)

b) " Dismissal prior to trial" --- before any meaningful notice of hearing and before any meaningful hearing having been conducted. Dismissal by Legal Trickery ? Or, purely and simply a Fraud upon Justise ? See Page a-15.)

c) Really, this pro se Person does not comprehend any intelligent reason for the Central Figures to be Boasting about the Raw and Filthy Corruption except to Harass this Pro se Person because of the Central

Figures alleging immunity. And Judge Handling Wahl's deep, deep American Telephone and Telegraph Compnays' Pockets.

d) Why does the Central Figure boast about;

" Relief from immediate harassment ( to the defendants) of the suit" ?

See: Page a-15.)

Mainly, why would a suit embarrass or harass these defendants, if in fact, they were clean ? Was their Motive Fear of losing or greed of the Federal Court ?

See: Page a-15.)

8.) Since Hodge was slick enough to consolidate " ALL OF THESE CASES"at the exact time to succeed in Scuddling " ALL OF THESE CASES" then in that event, the Central Figures are Sharp enough to know of the illegality of their dastardly,acts which clearly spells our Scienter,Meanness Wrongful Intent and Anti-Federal Intent

because of Raping this Pro se Person's Constitutional Rights.

This is " The Common Object of the Agreement" See: Landen v United States,248,Ala. 160, 27, So 2d 16 (1946)

9.) " The Unity Purpose"of the Wheel Within A Wheel Conspirators is revealed in Schlesinger's War Cry, for all that desire Sanctions to file their affidavits, as well as his confession of " Counsel obtained results sought:" by the Central Figures and their Co-horts. This constitutes " A Meeting of the Minds" in an unlawful arrangement. SEE: American Tobacco Co. v United States, 328, U.S. 781,810 (1964)

10) Now, some of the Defendants allege the only factual questions for review of the Court of Appeals is;

a) Did the District Court correctly

dismiss Plaintiff's Complaint ?

b) Did the District Court abuse its discretion while other Central Figures say there is no factual questions to be reviewed .

THEY ARE SADLY MISTAKEN

11) In ex parte State N.Y. 256 U.S. 500
In Louisiana v Junel,107, U.S. 711. 719,720,723, 727-728
In Hagood v Southern, 117, U.S. 52, 67, et seq.
In re Ayers 123, U.S. 443, 487, -492
In Pennoyer v McConaughty, 140, U.S. 1,10, et seq.
In Smith v Reeves, 178, U.S. 436,438 440;
In Murry v Wilson, Distilling Co. 213 U.S. 151,168
In Lankford v Platte,Iron Works, 235 U.S. 461 469;

These Courts hold:

" It is now established that the question to be determined not by mere names of the titular parties but by the essential nature and effect of the proceeding as it appears from the ENTIRE RECORD".

12) In Conley v Gibson, Cite as 78, S.Ct. 99

The Supreme Court Holds:

" The Federal Rules of Civil Procedure do not require a claimant to set out in detail the facts upon which he bases his claim, to the contrary, all the Rules require is a " Short and Plain Statement of the claim" that will give the defendant fair notice of what the plaintiff's claim is, and the grounds upon which it rests. The illustrative forms appended to the Rules plainly demonistrate this. Such simplified " Notice pleading" is made poss ible by the Liberal opportunity for discovery and the other pre-trial proceedings"

The Federal Rules reject the approach that pleading is a Game of Skill in which one misstep by Counsel, may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits"

13) In Monroe v Pape, 365 U.S. 167 ;

The Court holds ;

" It authorizes any person who is deprived of any right, privilege or immunity secured to him by the Constitution of the United States, to bring an action against the wrongdoer in the Federal Courts and that without any limit whatsoever as to the amount in controversy. The deprivation may be of the slightest conceievable

character, the damages in the estimation of any sensible man, may not be five dollars or EVEN FIVE CENTS, they may be what lawyers call merely nominal damages, and yet by this Section jurisdiction of that Civil Action is given to the Federal Courts instead of its being prisecuted as now in the courts of the States"

" And if one or more of the parties to said conspiracy or combination shall do any act to effect the object thereof, all the parties to or engaged in said conspiracy or combination whether principals or accessories shall be deemed guilty of a felony' * * *"

" It is abundantly clear that the one reason the legislation was passed was to afford a Federal Right in Federal Courts because by reason of prejudice, passion. neglect, intolerance or other wise, State laws might not be enforced and the claims of Citizens to the enjoyment of rights, privileges and immunities guaranteed by the Fourteenth Amendment might be denied by the State Agencies"

" This being forbidden by the Constitution of the United States and all Judges State and National, being sworn to support the Constitution of the United States and the Supreme Court of the United States having power to supervise and correct the action of the State Courts when they violate the Constitution of the United States

there could be no danger of the violation of the right of citizens under color of laws of the states" Cong Ciooe 42 Cong 1st Sess. at App 231

14) Now, let us review the extortion by force of the Federal Court System. approximately $150,000.00 in criminal contempt punishment.

In Evenson v Holtzman Cite as 775 F. 2d 535 (1985)
In National Hockey League v Metroplitian Hockey Club , 427, U.S. 639, 642 96 S Ct 2778, 2780 49 L Ed 2d 747 (1976)

The United States Supreme Court Holds:

" On review the question is not whether the reviewing Court would have applied the sanction, but whether the District Court abused its discretion in so doing"

b) In Each v Riggins Trucking Inc 757,F 2d 557, 570,(3rd Cir. 1985)
In Roadway Express Inc. v Piper, 447 U.S. 752,100 S Ct 2455,2464 65 L Ed 488, (1980)

The Supreme Court of the United States Holds;
" In considering the imposition of a

penalty upon attorneys, we have cautioned that " like other sanctions, attorney's fees should not be assessed lightly or without fair notice , and an opportunity for a hearing onthe record"

c) Whitaker v Coleman and same v Etna Casualty and Surity Co.Nos 9443,9444 Nov. 6, 1940.

The Fifth Circuit Holds:

" We think that this will not at all do. Summary Judgment procedure is not a catch penny contrivance to take unwary litigants into its toils and deprive them of a trial, it is a liberal measure, liberally designed for arriving at the truth. Its purpose is not to cut litigants off from their right of trial by jury, if they really have evidence which they will offer on a trial."

In Illinois v Allen, 90 S Ct 1057;

The United States Supreme Court points out

" One of the most basic of the rights guaranteed by the confrontation Clause of the Sixth Amendment is the accused's rights to be present in the courtroom at every stage of his trial"U.S.C.A. Const Amends 6, 14

In United States v Benavides, Nos. 76, 2539 Fifth Cir.

The United States Court of Appeals holds

" Appellant relies on Davis v Alska 415, 308, 94 S.Ct.1105,39 L Ed 2d 347, (1974) which upholds a defendant's Sixth Amendment right to cross-examine for the purpose of revealing possible bias, the Supreme Court held that,it was not enough to ask whether the witness was biased but questions as to why he was biased must also be permitted"

In Faretta v California , 95 S.Ct.2525

The United States Supreme Court holds:

" The Sixth Amendment does not provide merely that a defense shall ne made for the accused, it grants to the accused personnally the right to make his defense"

This is a Case where the Court has attempted to force pro se Persons against his will to obtain Counsel, which because of pre-trial publicity is impossible to find.

The Hodges Court has taken under consideration this pro se self represent-

ation which has been of adverse affect causing the Central Figure Hodges and his Co-horts to give to pro se Persons the Shaft.

This causes " The Redress of Grievances" in each of Hodges " ALL OF THESE CASES" to be denied.

This pro se Person's Constitutional rights to be raped. Whereupon the award of, or the results of, same is the extortion by force of the Federal Court System the amount of approximately $150.000,00 in criminal punishment.

Equality and Justice for all ! A very dirty joke ! You will agree.

In Johnson v Georgia Highway Express 488, F 2d 714;

The Fifth Circuit Holds:

" Statute authorizing attorneys fees

The United States Court of Appeals holds

" Appellant relies on Davis v Alska 415, 308, 94 S.Ct.1105,39 L Ed 2d 347, (1974) which upholds a defendant's Sixth Amendment right to cross-examine for the purpose of revealing possible bias, the Supreme Court held that,it was not enough to ask whether the witness was biased but questions as to why he was biased must also be permitted"

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The Fifth Circuit Holds:

" Statute authorizing attorneys fees

was not passed for the benefit of attorneys"

Or to make rich attorneys even richer which does also apply to vey rich judges and other Central Figures in conspiracies, such as the co-horts of the Wheel Within A Wheel conspiracy, achieved in " Results Sought" without even a Smack of due process of law.

In Dondalson v Clark, 786, F 2d 1570 (11th Cir 1956)

The Court Holds:

" Where a criminal contempt proceeding is not a summary contempt proceeding under Fed. R. Crim. P. 42(a) to punish conduct committed in the actual presence of the court, the court must abide by the due process requirements set forth in Rule 42(b) of the Federal Rules of Criminal Procedure, Rule 42(b) Provides in part :
A Criminal contempt . . . shall be prosecuted on notice. The notice shall state reasonable time for the prepartation of the defense, and shall state the essential facts constituting the

criminal contempt charged and describe it as such. THE NOTICE SHALL BR GIVEN ORALLY BY THE JUDGE IN OPEN COURT, or, on application of the United States Attorney or of an attorney appointed by the court for that purpose by an order to show cause or an order of arrest. The defendant is entitled to a trial by jury, in any case in which an act of Congress so provides. (9) The District Court in the instant case failed, to afford Mr. Howard Barrow, the procedural safe-guards applicable to criminal contempt proceedings. The court did not inform ~~Mr.-Howard~~, Barrow, in advance of the specific reason for which he might be fined. Also, the Court did not give ~~Mr.-Howard~~,Barrow, a reasonable opportunity to prepare a defense against specific charges or a hearing at which to present such a defense"

Compare Kleiner v First National Bank of Atlanta , 751, F 2d 1193 (11th Cir 1985) ( prior to assessing fine against party, the court gave the party notice, of specific conduct, subject to sanctions and two weeks later held a three day evidentiary hearing on the matter.
The district Court thus acted improperly in assessing the ~~$500~~ fine against ~~Mr-Howard~~ , Barrow, $150,000.00.

The use of Section 11, as emplemented by the Wahl/Hodges Court is no less than

A Sleasy Form of Entrapment" and does constitute Cruel and unsual mental torture. More Barbaric than that of a Bunch of Wild Driveling Idiots Rule 11, is a Be Dammned if you do not , and a Be Damned if you do, depending on the Whims of the Court. , as torturous as the Iron Maiden of Nuremberg.

This Court is Urged to reverse the dismissal of these void decisions and the Sanctions imposed by corruption, within this judicial system.

There is no record of any proceeding setting forth in written form, any conclusion of any decisionmaker, indicating any evidence or any reason relied upon to substantiate the appropriateness of of any sanctions, any notice of hearing

a-42.)

on the issues, any notice of the facts any hearing on which the plaintiff founded the law and the facts of the Complaint. Any jury or any adjudication of any issue that has arisen. No written decision on anything not affected by collusion by and between the Counselors for the defendants and the Wahl/Hodges District Court. Truly a Disgrace to the Human Race .

In each of the Hodges " ALL OF THESE CASES" the decisionmaker must be impartial, there must be some record of the proceedings and the decisionmaker's conclusions must be set forth in written form, indicating both the evidence and the reason relied upon because of the Due Process Clause requires this procedure.

All decisions of " ALL OF THESE CASES " should be held un-lawful and Set Aside for reasions set forth in 5 U.S.C. § 706 (2)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICI OF FLORIDA
JACKSONVILLE DIVISION

JOHN G. BARROW JR

Plaintiff,

v Case No. 87-1007-Civ- Magis

N, G. LUND M.D. as an indivjdaul
DAVID PAGE JR as an individual

Defendants;

* * * * * * * * * * * * * * * * * * * * *

ORIGINAL COMPLAINT
WITH DEMAND FOR JURY TRIAL
BY THREE JUDGE DISTRICT COURT

##########################################

1) Plaintiff Sues N,G, LUND M,D. as an individual .

Plaintiff Sues DAVID PAGE JR as an individual

2) The Lund/Page Team does appear to be Chief Executive of the State of Florida Department of Health and Rehabitilative Service in Nassau County.

3) The Lund Page Team must be presumed to hold this position because of their status as Medical Doctor.

4) The Lund/Page Team does have no statutory authority deligated to them to maintain an Organization of their administration thatdoes in fact:

a) Administer Rules and Regulations SO ARBITRARY and SO UNREASONABLE as to render Plaintiff's property worthless thereby consitituing the taking of property in an illegal manner so repugnant to the " Taking Clause" of the Fifth Amendment. 479 U.S. _____ (1986)

b) Administer and enforces rules and regulations that constitutes the impairing of obligation of contract by the issuance of permits such as Permit Number 20660330-09, for the agreed amount of $30.00 paid on the 17th day of March 1986, time 8:52:09 by W.T. Sparkman.

c) Then for an additional fee of $40.00 for final inspection which was to be executed by the Department of Health pursuant to the Department of Health Regulations.

10D-.043 (2) To Wit:

" The Department shall make every reasonable effort to make the final inspection within two working days after notification to the Department that the system has been installed"

d) There has to this date passed from the date of notification and paying the $40.00 final inspection fee, an excess of five hundred ninety days.

This $40.00 was paid the 8th day of March 1986.

e) In any event Regulation 10D-6.041 (6) States:

" Any existing and prior approved system which remains in satisfactory operating condition shall remain valid for use under the terms of the ruel and the permit underv which it was approved"

f) To add insult to injury on the 14th day of October 1987, the Department did charge Magdaline Waters Gillespi on the 14th day of October 1987, an additional $30.00 not due to be paid for the inspection of the site and construction (for a third time) without the use of the system even one day or one time.

An absolute Virgin System SEE: Receipt No 453042.

g) Abuse of discretion and gouging of the party buying the property was not the end of the Department's Ball of Twine.

h) You will never believe the Department not only turned down that which the Department has previously approved.

To further the amazement of any reasonable thqnking and reading community the Department did at this time change its requirements and standards so as to require a Mound System Regulation 10D-6.042 (24) to be caused to replace the approved Standard Subsurface System 10D-.6042 (36) because of their meanness and Madness and Enmity and Malice and in collusion with " THE NASSAU COUNTY KING GANG" of Fernandina Beach, Florida.

i) These unscruplous Acts are not only putting the purchaseof the property to an

injury of irreparable inconvenience harm, and expense, but is also putting in jeopardy the sale of property amounting to many, many thousands of dollars.

ESTABLISHED PATTERN OF THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICE

1. This same Schenenigan has been pulled on this plaintiff time after time after time.

As an example, there has been the same collusion by the Richard King and County Commissioners Gang with the Department of Health and Rehabilitative Services as to the sale of other land made by this plaintiff For examples:

a) Schohson Lee Blithcington.

b) Scott Conley

cc) Liz an Woodie Crews

d) Lesia and Harry Bell

e) Charles Bell

f) Ronald and Elvina McComber

g) Madaline Waters Gillespi

b-6.)

22. To these and other parties who have agreed to purchase property this Gang including the Department of Health has irreparably injured by their arbitrary and unreasonable rules.

3. To this plaintiff the injury of this Ruthless Collusioninvolving the Department of Health has irreparably injured this plaintiff, in excess of One Hundred Thirty Thousand Dollars to say nothing of the interest lost because of the sales of Real Property.

4. For the sum of $30,00 the Department of Health did contract to issue an applicati ion permit. For an additional $40.00 the Department did contract " within two working days if reasonably possible to cause a final inspection to say nothing of the Whether or not inspection was in fact made is immaterial. The Department and Lund/ Page Team has " impaired the obligation of contract, causing an irreparable injury

to all parties espectally this plaintiff. This is a Federal Question whereupon this Plaintiff demands a jury and a three Judge District Court.

In PennCoal Co v Mahon, 260 U.S. P. 415; Justice Holmes delivered the opinion and Holds:

" If regulations goes too far, it will be recognized as a Taking"

Wherefore, let us dwell upon the unreasonable regulations enforced by the Lund/Page Team and through their subordinates.

1. One of this plaintiff's Casulaties as a results of the Lund/Page subordinates and their coconspirators was the property of Schohson Lee Blitchington, injuring plaintiff's in excess of Eleven thousand dollars . The final inspection was paid for by $40.00 Fee, whether inspection was ever made pr not . Blitchington could never move on. This results in another $10,000.00 in sale of real property being lost FOREVER.

b-8.)

2. On the 21st day of February 1986, Plai tiff, paid $30.00 for application on prop- erty eventually purshased By Harry and Lesia Bell his wife, and the 20th day of March 1986 Plaintiff paid for final in- spection a fee of $40.00 worth of notif- ication on permit No 20660210 + 3 with a drainage ditch across the road. Harroy and and lesia Bell were told that they could move their Mobile Home on to the property they could not live therein.

A loss to plaintiff of an excess of $16,00 LOST FOREVER. 3) Teh as a results of the Harry Bell's disaster was CharlieBell an injury to plaintiff in excess of $16,500.0 for the same reason, being LOST FOREVER.

4) All this time the Lund/Page Team and their subordinates are giving this plaint trouble such as Wade T Sparkmen's message on the 26th day of February 1986, by Certified Mail.

a) The septic tank system seems to appear only when on a paved road access.

b) The septic tank system is not allowed without approval of the proposed dwelling and a road paved at the expense of Barrow, for five miles on land not owned by Barrow.

c) The septic tank system apparently will not function without the necessary and proposed site plan and a paved road at Barrow's expense on land belonging to others.

5) Blaze Campbell at the time, another of the Lund/Page subordinates drew up an affidavit as he termed it which Plaintiff executed and had witnessed however, that made little difference.

6) Blaze A Campbell suggested on several occassions " That a Case of Whisky to foreman would do the trick !

7) Foreman in his Oration dated March 10, 1986, made it clear that he did have doubts as to what was required by the Health Department as to the interputation of their

b-10.)

10D-6 Rules and regulations. One reading of 10 D-6 will cause any reasonable thinking and reading community to realize just how ambiguous arbitrary and unreasonable the 10 D-6 instrument actually is.

8) There is no wonder Foreman does not know. Neither does anyone else know or understand 10D-6 regulations.

a) Gillispie's prior approved system, pursuant, to 10 D-6 .041 (6) shall be valid for use.

CONTARWISE: The Lund/Page Team and their subordinates must Flim-Flam every person that it is possible to do so.

This system approved 4/8/86 must now Bulge out of the earth 36 inches up into the sky.

b) Also in 10 D-6.041 (6)

" Where only minor changes are made * * the discretion of the County Public health Unit may not be required to be altered"

.In plainer words, no criterion only the whims of the Subordinates !

c) 10 D-6.042 (5);

' Approved installation does not imply that system will preform"

dd) 10 D-042 (37) defines a " Subdivision as any tract or plot of land divided into two or more lots or parcels less than one acre in size".

Now, I ask you, did you ever in your life see a Two Lot subdivision ? Fantastic !

e) Pursuant to 10 D-6.046 (7) (a) A half acre is approvable.

f) Pursuant to 10 D-6.046 (7) (b). One fourth of an acre may br utilized.

g) Pursuant to 1-D-6.046 (7) (e) the minimum area of each lot shall be (21.780) square feet (½ acre)

h) But -- Hold on -- 43,560 square feet is required by the Lund/Page Team and their subordinates, absolutely no less is tolerated. Would you say that the above (e) or (f) or (g) does prevail ?

W H I C H ?

9) What would be considered unreasonable arbitrary, capricious and or ambiguous ?
10) The 900 gallon tanks which has been installed should be sufficient for two (four or more bedrooms) however, pursuant to the Lund/Page Team and their subordinates the 900 gallon tanks ins-alled as per their instructions is not satisfactory. Even for one Mobile Home. It must be raised 3 feet --36 inches into the sky as a Health Department Monument to show just how gullable the Nassau County people are. Most all of 10D-6 rukes and regulations are composed of ambiguous, unreasonable indecipherable NONSENCE. in no wau understandable or reasonable as applied to the public which is their Victims.
11) Each and every permit gives to the subordinates of the Lund/Page Team an opportunity to assassinate this Plaintiff's Character and reputation and to completely annihilate any possibility of a complet-

ion of the Sales Contract by and between this plaintiff and anyone who has purchased any tract of land. Each and every time it is the same Story.

12) With Liz and Woodie Crews the soil with a very small amount of vegitation particles was termed by Wade Sparkman as organic soil, which is classified in 10D-6.061 (8) as peat.

13) In any verbage of any well people the water table is the upper level of water that can be pumped to the surface. With the Lund/Page Team of subordinates water table means WET SOIL !

14) As to Sparkman's encounter with MacComber Sparkman's written report states that his visit discloses " illegal Tank drainfield gravelless.

Blaze A Campbell issued the permit . No. 20551016-2 which included 2 inches below the surface.

tThe additional fee of $40.00 for final

inspection of approval was paid by receipt No 14117.

15) Then came Wade T Sparkman's written recommendation of approval after the tank on the same site must be raised 21 inches above the ground level a difference in the arbitrary anbiguous requirements of the same tank.

A difference of 36 inches of elevation of the entire system.

On Land 92 feet above sea level !

This system then would be 41 inches above the ground level. When completed 41 inches of Mole-hill all over the entire property with the Mobile Home jacked up into the sky about seven feet.

16) These arbitrary and unreasonable acts of the Lund/Page team has cost this plaintiff, $33,000.00 plus interest of 10% by the loss of the sale and in addition thereto, a Suit at law with this plaintiff named.

as defendant.

17) As to Elizabeth Crews one system was disapproved because of having a L.D.D.T drainfield pursuant to 10 D-6.056 (5) as opposed to,10 D-056 (4) (b).

18) The Crews were informed by one Lund/Page subordinate Wade T Sparkman, that if the Crews bought land from John Barrow that he would never move on the property.

19) This act of Lund/Page Team did cost this Plaintiff another $27,500.00 plus interest as the Crews moved to another Nassau County location not owned by Barrow where there would be no move on permit and no confrontation with the Lund/Page team's conspiracy to Starve the Barrow Family by power of the Lund/Page Mob and the co-conspirators.

Whatever was Blaze Campbell's proposition instigated by the Fernandina Beach Gang for him to spring at the Jiffy Market in Hilliard Plaintiff should have

b-16.)

bought. To be starved to death by conspiracy of the Department of Health and the Fernandina Beach Gang seems to be the only other alternative.

16) The Lund/Page Subordinates Gettisburg address of " You had better not do business with Barrow" cost this plaintiff far in excess of the twenty-seven thousand five hundred dollars as related to Mr & Mrs Crews,to say nothing of the assassination of the Barrow families reputation.

a) First Crews had no gravel. because of the 10D-056 (5) regulation permitting L.D.D.T. and 10 D-042 (29), legal right to install.

b) Next go round was just to do the job over.

c) The nrxt go round was to install as per diagram Exhibit "A" with gravel 39 inches deep below the ground level.

d) The next go round was again, DO NOT DO BUSINESS WITH BARROW !

just put in a Sump Pump and catch tank and strew the sewer system all over the property with a Mole-hill mound 43 inches high all over the property of then Crews, and apparently pursuant to 10 D-6.050 (3) (g) landscaped like that of a Hanging one's Buttocks on the fense for all the world to see, the mounds of the thousands of dollars worth of dirt to be hauled into make said Monument in Honor of the Lund/Page Gang thereby making a crazy fool out of the public.

19) Scott Conley's tank was approved at a fee of $40.00 on the 30th day of October 1985.

Be that as it may, Scott Conley and family was not allowed to move on to the property which case is prnding in Court.

20) Now, Macomber has filed suit, as he and his family can never move on to the property purchased from Barrow. ASK WADE T

b -18.)

SPARKMAN !

21) In as much as this Citizen cannot do business with E.O. Smith Septic Tank Company, as suggested by the Health Department and in as much as the Health Department has no Criterion that is understandable or reasonable and not arbitrary then we must dwell upon jurisdiction.

JURISDICTION

The subject matter set forth in the Complaint does arise under the Constitution of these United States and is within 28 § 1343 28 U,S.C.A § 1343 Article III § 2 of the Federal Constitution Provides That :

> " The judicial power shall extend to all cases in law and equity arising under this Constitution the laws of the United States and treaties made or which shall be made under their authority.* * * "

It is clear that the Cause of Action is one which " Arises Under" the federal Constitution.

Since the Complaint plainly sets fourth a Case arising under the Constitution the subject matter is within the Federal Judicial power defined in Art. III s 2, and so within the power of Congress to assign to the jurisdiction of the Dostrict Court . Congress has exercised that power in 28 U.S.C. s 1343 (3) 28 U.S.C.A. 1343 (3).

> " The District Court shall have Original jurisdiction of any civil action authorized by law"

The Court frequently sustained District Court jurisdiction under 28 U.S.C. § 1343 (3) 28 U.S.C.A. § 1343 (3) against State infringement by the Equal Protection and due process clauses of the Fourteenth Amendment.

STATUTORY GROUNDS FOR JURISDICTION ARE:

28 U.S.C. s 1331 -Federal questions.
28 U.S.C.A. § 1331- Civil rights Jurisdiction.
U.S.C. § 1343 -No jurisdictional limit.
28 U.S.C.A § 1343 -R.S. -1979 and invasion of rights redress assured.
18 U.S.C. § 242 -Color of law.
28 U.S.C. 1346 (a) (12) Full and just compensation.
18 U.S.C.A. s 242 Color of law
Wrongful acts of State Officials
U.S.C.A. 1985 (3) U.S.A. Const 13s
2 rights secured to all.
Discrimination Art IV SEc 2 United States Constitution ( Ownership)
28 U.S.C. § 41 (1) Authority of this Federal Court to try, obligation of court.
28 U.S.C. s 41 (1) District Court's authority to try.

Assult upon rights § 241 entire Constitution especially including XIII, XIV and XV.
Lack of eminent domain proceedings 28 U.S. C. § 1403.
28 U.S.C. § 2281 Three Judge District Court.
28 U.S.C. § 1337 Original jurisdiction obligation of Court to plaintiff.
§ 20 Substantive Officer " Under color of law"
42 U.S.C. § 1983 Damage and recovery et all
28 U.S.C. § 1442 (a) (1) Removal of color of office"
28 U.S.C. § 1442 (a) (3) Performance of duty " Under color of law"
P.L. 87-748 76 Sta 744 (1962) 28 U.S.C. § 1361 Removal M138.
This plaintiff hereby invokes the Constitution of the United States.
Especially -----
Amendment V and XIV Just compensation.
Amendment V and XIV denial of property rights.
Amendment VII denial of jury.
Amendment I Redress of grievances.
Amendment VI Right to consfrontaion.
Article 1, Sec 10 ex post facto laws.
Article VI The authority of the United States Supreme Law Clause 2.
42 U.S.C. § 1988 1988, Compensatory damages
Adverse pre-trial publicity fair trial impossible U.S.C.A. Const. A 6.6494.
§ 20 Jury to hear so that they may ponder " State Action"
28 U.S.C. § 1346 (a) (12) Taking of property without just and full compensation.

## THE ISSUES TO BE RESOLVED

1) Whether or not: the injuries to plaintiff were first complained of in Federal Court ?

2) Whether or not: Each and every averment in this complaint has been answered pursuant to Federal Rules of Civil Procedure Rule 7 (a).

3) Whether or not: there is a rational nexus between the ambifuously enforced 10 D-6 Rules and Regulations as implemented ?

4) Whether or not: 10 D-6 is an understandable ceterion that will enable the Layman to install an appropritae Septic Tank System without the Whimsical Wishy-washy aid trlating to the pleasures of those wearing the title " ENVIRONMENTAL HEALTH SPECIALIST ?

With apparently no record kept and no live let live knowledge of the need of the common man ?

5) Whether or not: O.E. Smith Septic Tank Co. is the only Buddy-Buddy to the Lund/Page Team and their co-conspirators.

6) Whether or not: The Lund/Page Team's

version of : Regulations have GONE TOO FAR so as to constitute a taking ?

7) Whther or not: The Lund/Page rendition of the 10 D-6 regulations make impossible 100% of any possibility of making a sale and and a profit of any one acre Farmlet offered for sale or for rent by this plaintiff ?

8) Whether or not: the 10 D-6 as emplemented by the Lund/Page Team serve .a legitimate general and sunstantial public interest or only that of the Whims of the zoning board the Subdivision Board and the friends of the biased Health Department.

9) Whether or not: the Lund/Page Team's requirements of access by roads paved for five miles by the land owner of the one acre tract offered for sale ?

a) Is there a sufficiently dire need of the public health and welfare and safety to justify such UNREASONABLE and

AMBIGUOUS regulations ?

b) Is it necessary to the functions of an " On Site subsurface sewer system" to computerize the mumbo-jumbo of the permit ?

10) Whether or not: The requirement of one full 43,560 square feet does cause the sewer system to function more effectively than the 21,780 square feet required by 10 D - 6.046 7 (a) or the ½ acre plot required pursuant to Rule 10 D-042 (31) (c) ?

11) Does the abritrary and unreasonable emplementation of 10 D-6 by the Lund'Page Team render the property affected thereby, worthless especially, as to its highest and best use ?

12) Is 10-D -6 as written or emplemented within the outer limits of State interest to provide an ' on site sewer system" that will function properly or is 10 D-6 emplemented in the interest of politics

and enforcement of the unconstitutional Zoning and Subdivision Regulations ?

13) Is the Naked Lingage in the relationship between ;

a) fee grabbing trust fund ?

b) The load factor when involving a very small 24 x 44 Mobile Home (1056 Sq Ft ) where 10 D-6.048 Table II Residential (a) (3) requires a 450 gallon tank capacity although a 900 gallon tank has been installe

c) The proper site plan required by Wade T Sparkman ?

d) Sparkman's ( five mile paved road at sellers expense) road access ?

e) Landscaping of a MONSTROSITY bulging four feet toward the sky sprawled all over the victims property like that of a Giant Molehill" THAT WILL APPLY TO EACH INDIVIDUAL PERMIT ?

Just what relationship do these requirements ;

i) the road access ?
ii) the 43,560 Sq Feet Acre or the 21,780 Sq Ft ½ acres or the 10,890 Sq Ft ¼ acre ?
iii) The site plan ?
iv) Whether or not; O.E. Smith installed same ?
v) The case of whisky ?
vi) If you bought from Barrow ?

have State interest or public safety or public health or public welfare ?

14) Does the unnecessary elevation of the septic tank only to suit the Whims of the Lund/page Team, causing the elevation of the Mobile Home to be raised upon stilts, high up in the sky and wind so as to result in the Murder of the Victims by the Health Department and their version of 10D-6, reasonable ?

Plaintiff is entitled to relief. Plaintiff demands relief. Plaintiff demands judgment for relief. Plaintiff has already been damaged far in excess of $130,000.00 and it does seem reasonable that plaintiff should be granted punitive damages, exemplary damages and/or whatever this Court finds

meet and proper . This court is invited to consider $250,000.00 punitive damages to show defendants the error of their ways. They have no statutory authority to show that would exonerate them, for their acts " Under color of law"

IN SUMMARY

In U.S.v.Lance Inc. D.C. Del 1951 95 F Supp 327 reversed on other grounds 190 F 2d 204 cert den 72 S.Ct 229, 342 US 896 96b L Ed 671 reh den 72 S.Ct 287 342 US 915 96 L Ed 684; The Court Held:

" A Cause of action is the existence of those facts which give a party a right to judicial interference on his behalf"

The injuries to plaintiff enumerated above are " truly facts which gives rights to judicial interference, on plaintiff's behalf" The grounds on which relief is demanded by the Constitution is obviously; a) Criterion; (b) Pecuniary damages to compensate loss of reputation and actual losses as well as mental torture and; (c) Full Compensation for the taking " caused by regulations havinggone too far.

(d) Dimination of the remainder of property of pocket book interest to palintiff caused by " Regulations having gone TOO FAR" and being emplemanted in conspiracy with others.

As to jurisdiction the acts complained of was first complained of in Federal Court, well covered by Statutory authority included herein.

This plaintiff demands.

1)An answer to each and every averment Rule 7 (a).
2) A trial by jury.
3) In an open forum of competent jurisdiction.
4) A meaningful notice of hearing.
5) A meaningful haering on all issues.
6) Adjudication of all questions that may have arisen.
7) A judicial weighing of all evidence submitted in the entire record.
8) A granting of judgment of relief.

pPlaintiff does invoke the Constitution of these United States of America and all applicable Statutory law.

By " the unlawful taking of property" because of regulations " Having Gone TOO

FAR" there is no copula to police power. Such unreasonable and arbitrary tule does in any way stimulate;

A) public health; B) Public safety; C) Public welfare; or d) any other legitimate State interest, or common welfare.

These defendants Axts are committed not in an official capacity, but as individuals under ' color of law' because they can show no Statutory Authority deligated to them, to unconstitutionally emplement unreasonable and extremely arbitrary regulations.

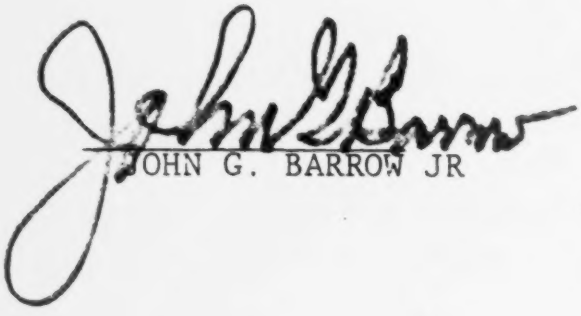
WHEREFORE: any public funds expended to defend these defendants would constitute "Malfeasance and Misfeasance of office thereby causing a need for inclusion of said counsel as indispensable parties and co-conspirators.

Respectfully submitted

John C Bassow

JOHN G BARROW JR
Rtl Box 470
Callahan, Fl 32011
904-845-2475

I HEREBY CERTIFY this 4th day of December 1087 that I did furnish a true copy of the foregoing instrument to Dr N.G. Lund 4th & Ash Street Fernandina Beach Fl and David Page Jr 4th & Ash Street Fernandina Beach, Florida



JOHN G. BARROW JR

TERRORISM AMERICAN STYLE

This court is invited to examine the Docket Sheet, You will find proof that;

1) This Action has not come before the court for trial by jury.

2) The issues have not been tried.

3) And the jury has not rendered any verdict. *(look for the date of the verdict, it can't be found)*

4) As there has been no jury. SEE U.S.C.A. Amend. 7 "Unconstitutional abuse"

a) It matters not how many times, The Judge Hodges Mob dismisses a case, "without due process of law", it is VOID because of U.S.C.A. Amend. 5.

b) It matters not how many times (Judge Handling) Wahl's Buddy Buddy Tjoflat and Hatchett, (all Brothers in the Jacksonville Bar) affirms Hodges VOID decisions, the decision in this action is still an AFFIRMED VOID DECISION because of U.S.C.A. Amend 5 "reached without Due Process, is VOID."

SEE Morrissey v Brewer 92 S, Ct. @ 2605.
"Evidence and Reason, in Written Form"

TERRORISM AMERICAN STYLE
ONE HUNDRED THIRTY TWO
THOUSAND THREE HUNDRED
EIGHTY THREE DOLLARS WORTH
OF AMERICAN STYLED TERRORISM

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED Apr 5 8:18 AM '88

JOHN G BARROW JR

Plaintiff

v Case No 87-1007-Civ-J-10

N.G. LUND and DAVID PAGE JR
Defendants

---

O R D E R

This matter was referred to the Magistrate for the consideration of all matters and for the conduct of any necessary proceedings.

The Magistrate has considered a motion to dismiss and recommends that the case be dismissed.

The plaintiff has filed a written objection to the Magistrates report and recomendation which the court has duly considered.

Upon due consideration of the report and recommendation of the Magistrate and upon

the court's own independent examination of the entire record the Magistrate's report and recommendation is adopted and confirmed and made a part hereof and IT IS ORDERED that this case be dismissed . The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED

DONE AND ORDERED at Tampa, Florida. this 5th day of April 1988

/s/ Wm Terrell Hodges
UMITED STATES DISTRICT JUDGE

CC: Counsel of record

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed Dec 18 12:04 PM '87

JOHN G. BARROW JR

Plaintiff,

V Case No. 87-1007-Civ-J-10

N.G. LUND et. al.

Defendants

- ----------

O R D E R

Pursuant to the Addendum to the Jacksonville and Ocala Division Case assignment Procedures the above case was reassigned to the Honorable Wm Terrell Hodges for final disposition.

Concurrent with the reassignamnt and in accordance with Local Rule 6.01 (c) (18) all pre-trial proceedings , non-dispositive motions, and any applicable preliminary or pretrial conferences are hereby referred to United States Magistrate Harvey E Schlesinger, who shall be responsible for the conduct, supervision

c-4.)

and determination of all such matters. Pursuant to F.R.Civ P 72(b) all dispositive motions are also referred to Magistrate Schlesinger, who shall promply conduct, such proceedings as are required and subsequently prepare and forward to me a recommendation for the disposition of the matter, along with proposed findings of fact when appropriate.

IT IS SO ORDERED

DONE and ORDERED at Tampa Florida this 14th day of December 1978.

/s/

Wm Terrell Hodges
United States District Judge

Copies TO;

Mm John G Barrow Jr
Rt 1 Box 470
Callahan, Fl 32011

Counsel of record

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

- - - - - - - - - - -

NO. 88-3282
Non- Argument Calendar

- - - - - - - - - - - - -

D.C. Docket No. 87-1007

JOHN G BARROW JR
Plaintiff-Appellant

Versus

N.G. LUND and
DAVID PAGE JR

Defendants-Appellees

- - - - - - - - - -

Appeal from the United States District Court for the Middle District of Florida

- - - - - - - - - - -

( February 9, 1989)

Before TJOFLAT, JOHNSON and HATCHETT
Circuit Judges

c-2.)

PER CURIAM:

The district court, adopting the magistrate's report recommending that the case be dismissed without prejudice, entered final judgment dismissing the action. The judgment does not indicate whether the dismissal was with or without prejudice. We construe the judgment to be a dismissal without prejudice, and affirm the same for reasons set forth in the magistrate's report.

AFFIRMED.

UNITED STATES COURT OF APPEALS
For the ELEVENTH CIRCUIT

NO. 88-3282
NON- ARGUMENT CALENDAR

D.C. Docket NO. 87-1007

JOHN G BARROW JR
Plaintiff-Appellant

versus

N.G. LUND and
DAVID PAGE JR

Defendants- Appellees

- - - - - - - - - - - -

Appeal from the United States District Court for the Middle Distric of Florida

- - - - - - - - - - -

Before TJOFLAT, JOHNSON and HATCHETT
Circuit Judges

J U D G M E N T

This cause came on to be heard on the transcript of the record from the United States District Court for the Middle District of Florida, and was taken under submission by the Court upon the record and briefs on file, pursuant to Circuit Rule 34-3;

ON CONSIDERATION WHEREOF, it is now hereby ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby AFFIRMED.

c-4.)

IT IS FURTHER ORDERED that plaintiff-appellant pay to defendants -appellees the cost on appeal to be taxed by the clerk of this Court.

Entered: February 9, 1989
For the Court: Miguel J Cortez Clerk

By: Karleen McNabb
Deputy Clerk

ISSUES AS MANDATE: Mar 6 1989

CHAPTER (d.)

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

Filed Apr 5 3:39 PM '85
Clerk of District Court
Tampa, Florida

IN Re: JOHN G. BARROW JR,

_____/

O R D E R

Attached is a summary prepared by the Clerk describing 20 seperate actions in The Jacksonville Division of this Court within the last three years by John G. Barrow Jr, .It is apparent from a review of those cases that the Defendant has abused the processes of the Court; has abused and harassed the numerous Defendants called upon to defend against his frivolous and vexatious claims; and has abused the prec-

ious judicial resources of this Court at the incaloulable expense of other citizens and litigants of the Middle District of Florida seeking a prompt and expeditous adjudication of their meritorious claims.

Accordingly, the Clerk of this Court is hereby enjoined from accepting for filing from John G. Barrow Jr in any pending or future case, any further pleadings or parers of any kind what so ever unless such pleadings or papers (1) are signed by a member in good standing of the Bar of this Court . or (2) are tendered for filing by Mr Barrow in a case brought against him as a defendant by other party or parties; or (3) are tendered for filing by Mr Barrow to invoke the

Court's jurisdiction pursuant to 28 USC § 2254 for collateral review of a State Court criminal conviction of him as a Defendant.

IT IS SO ORDERED

DONE AND ORDERED AT TAMPA, FLORIDA this 5th day of April 1985 3:30 P.M.

/s/ Wm Terrell Hodges
United States District Judge

d-4.)

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

Filed Aug. 7 9:15 AM '85

JOHN G. BARROW JR

Plaintiff,

VS. Case No. 84-64-Civ-J-16

IRENE SCOTT as an individual
Internal Revenue Service

Defendants

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John G. Barrow Jr

Plaintiff,

vs Case No. 84-104-Civ-J-14

American Telephone And
Telegraph Co. et.al.

Defendants

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JOHN G. BARROW JR

Plaintiff,

vs. Case No. 84-135-Civ-J-14

Winifred S Hill, Tax Collector
St Johns County

Defendant.

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JOHN G. BARROW JR

Plaintiff,

vs. Case No. 84-414-Civ-J-16

CHARLES HOOD and Mike Noone

Defendants,

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John G. Barrow Jr,

Plaintiff,

vs Case No. 84-437-Civ-J-16

Eleanor B Hawkins, et al.

Defendants

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John G. Barrow Jr,

Plaintiff,

vs Case No. 84-456-Civ - J-14

Haverty Furnirure et al
Defendants

d-6.)

John G. Barrow Jr

Plaintiff,

vs Case No. 84-588-Civ-J-12

T.J. Greeson Clerk et al.

Defendants

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John G. Barrow Jr
Plaintiff
vs Case No. 84-589-Civ-J-14

JAMES HARRISON, et al
Defendants

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John G. Barrow Jr
Plaintiff,
vs. Case No. 84-590-Civ- J-16

D.A.C. Corporation of Florida
et al.

Defendants,

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John G. Barrow Jr

Plaintiff,
vs. Case No. 84-981-Civ-J-16

The Farmers Home Administration

Defendants

John G. Barrow Jr

Plaintiff,
vs. Case No. 84-982-Civ-J-14

Jack Reed, et al

Defendants

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John G. Barrow Jr,
Plaintiff,
vs Case No. 84-1191-Civ-J-12

Harold B Wahl, et al

Defendants,

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John G. Barrow Jr
Plaintiff,
vs. Case No. 85-91-Civ-J-12

H. Ray Walker, Tax Collector
Columbia County

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John G. Barrow Jr
Plaintiff
Vs Case No. 85-160-Civ-J-14

Carl "Bud" Markel

Defendant

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d-8.)

JOHN G. BARROW JR

Plaintiff,

VS. Case No. 85-287- Civ-J-12

JIM BISHOP, Jr, Tax Collector
and as an individual,

Defendant,

- - - - - - - - - - - - - - - - - - - -

O R D E R

Pursuant to the Addendum to the Jacksonville and Ocala Division Case Assignment to the Honorable Wm. Terrell Hodges for final disposition.

Concurrent with this reassingment, and in accordance with Local Rule 6.01 (c) (18), all pre-trial proceedings non-dispositive motions, and any applicable preliminary or pre-trial conferences are hereby referred to United States Magistrate Harvey E Schlesinger, who shall be responsible

for the conduct, supervision and determination of all such matters. Pursuant to Fed. R.Civ.P. 72(b), all dispositive motions are also referred to Magistrate Schlesinger, who shall promply conduct such proceedings as are required, and subsequently prepare and forward to me a recommendation for the disposition of the matter, along with proposed findings of fact when appropriate. Although this court has previously entered an Injunction against plaintiff's filing of additional materials ( see Order dated April 5,1985) nothing in that Order shall preclude Plaintiff and/or the other parties from consenting to permit Magistrate Schles-

inger, to conduct any and all future proceedings including a jury or non-jury trial, and thereafter to enter final judgment in a particular case. The form of such consent should be governed by the provisions of Fed. R.Civ-P. 73 (b) and (c).

DONE AND ORDERED this 5th day of August 1985, in Tampa, Florida.

/s/ Wm Terrell Hodges
Chief Judge

Copies to Mr. John G Barrow Jr
Route 1 Box 470
Callahan, Fl. 32011
Counsel of Record.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Aug.15 4:35 PM '86
U.S. Dist.Court
Tampa, Fl.

JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-104-Civ-J-10

AMERICAN TELEPHONE and
TELEGRAPH CO. et al

Defendants,

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JOHN G. BARROW JR

Plaintiff,

-vs- Case No. 84-135-Civ-J-10

winifred s. hill Tax Collector
St Johns County

Defendants,

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JOHN G. BARROW JR

Plaintiff,

-vs

Case No. 84-191-Civ-J-10

ROOSEVELT BAKER JR

d-12.)

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-192 -Civ-10

VERNON DOUGLAS and
EUGENE CHRISTIAN
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-412-Civ-J-10

T. BUCKINGHAM BIRD et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-414-Civ-J-10

CHARLES HOOD and MIKE NOONE
Defendants,
_____/

John G. Barrow Jr
Plaintiff,

-vs- Case No. 84-437-Civ-J-10

ELEANOR B. HAWKINS et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-456-Civ-J-10

HAVERTY FURNITURE COMPANYet.al
Defendants
_____/

JOHN G. BARROW JR,
Plaintiff

-vs- Case No. 84-1191-Civ-J-10

HAROLD B. WAHL, et.al.
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-91-Civ-J-10

H. RAY WALKER, Tax Collector
Columbia County
Defendant,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-160-Civ-J-10
CARL "BUD" MARKEL
Defendant
_____/

d-14.)

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 85-160-Civ-J-10

CARL "BUD" MARKEL

Defendant
---/

JOHN G. BARROW JR,
Plaintiff,

-vs- Case No. 85-287-Civ-J-10

JIM BISHOP, Tax Collector
and as an individual,

Defendant
---/

ORDER

The Magistrate's recommendations that these cases be Dismissed With Prejudice and that Rule 11, F.R.Civ.P sanctions of costs and attorneys fees be assessed are upon due consideration, ADOPTED in each case.

These cases are again referred to the

Magistrate to conduct all further proceedings necessary to determine and recommend the apprpriate amount of coats and attorneys fees in each case. An appropriate judgment will then be entered in each case dismissing Plaintiff's claims with prejudice and awarding fees and costs to the Defendants.

IT IS SO ORDERED.

DONE AND ORDERED at Tampa, Florida this 15th day of August,1986.

/s/ Wm Terrell Hodges
United States Disrtict Judge

d-16.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division.

Filed Aug. 27, 9:55 AM
'86
Clerk Dis Court
Jacksonville, Fl.

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 84-1040Civ-J-10

AMERICAN TELEPHONE and
TELEGRAPH CO. et al
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-135-Civ-J-10

WINIFRED S HILL, Tax Collector
St Johns County
Defendant,
_____/

JOHN G. BARROW JR
Plaintiff,

-vs- Case No. 84-191-Civ-J-10
Roosevelt Baker,
Defendant
_____/

JOHN G. BARROW JR

Plaintiff

VS. Case No 84-437-Civ-10

Eleanor B Hawkins et al

Defendants

---

John G. Barrow Jr

Plaintiff

VS Case No. 84-456-Civ-J-10

Haverty Furniture Company Et Al

Defendants

---

JOHN G BARROW JR

Plaintiff

VS Case No. 84-1191-Civ-J-10

Harold B Wahl et al

Defendants

---

JOHN G. BARROW JR

Plaintiff

VS Case No 85-91-Civ-J-10

H. RAY WALKER Tax Collector

---

JOHN G. BARROW JR

Plaintiff

VS Case No 85-160-Civ-J-10

Carl "Bud" Markel

Defendant

---

JOHN G. BARROW JR

Plaintiff

VS Case No 85-287-Civ-J-10

JIM BISHOP JR Tax Collector
and as an individual

Defendant

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 85-287-J-10

JIM BISHOP JR Tax Collector
and as an individual
Defendant
_____/

O R D E R

All parties in the above= styled cases who wish to assert a claim)s) for attorney's fees and/or costs shall submit a Motion memorandum and affidavit itemizing the requests within ten (10) days from the receipt of this Order. This affidavit shall include a time sheet which details the hours utilized in the defense of the case. Those parties not wishing to assert a claim for attorney's fees and/or costs shall so inform the court by pleading.

A hearing on these Motions requesting

fees and costs will be held on the 16th day of October, 1986, at 9:30 a.m. Courtroom 4, Third Floor, United States Post Office Building, 311 West Monroe Street, Jacksonville, Florida.

DONE AND ORDERED at Jacksonville, Florida, this 26th day of August, 1986.

/s/ Harvey E Schlesinger
Magistrate
United States Magistrate

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d-20.)

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Assistant Attorney General
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Thomas D Mac-Namara Esquire
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Gainesville, Fl 32602

d-22.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

JOHN G. BARROW JR
Plaintiff,

-vs- Case No 84-64-Civ-J-10

IRESE SCOTT
WILLIE FORTENBERRY
WILLIAM R. McCANTS as
individuals with the
Internal Revenue Service

Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 84-588-Civ-J-10

T.J. GREESON
JAMES S PAGE
Defendants,
_____/

JOHN G. BARROW JR
Plaintiff

-vs- Case No. 589-Civ-J-10
James Harrison, as an individual
Marks, Gray, Conroy and Gibbs
Craig Marsh, Nassau Co. School Board
Ernie Mastroianni, Laura Cook ,Channell
12 WTLV Defendants

JOHN G. BARROW JR
Plaintiff

-v- Case No. 84-590-Civ-10

D.A.C. Corp.
T.J. GREESON
Defendants

_____/

JOHN G. BARROW JR
Plaintiff
-vs- Case No 84-981-Civ-J-10
Joseph Balkcom
William Stafford
Lynn C Higby
Farmers Home Administration
Defendants

_____/

JOHN G. BARROW JR

Plaintiff
-vs- Case No 84-982-Civ-J-10

JACK REED et.al.

Defendants

_____/

d-24.)

JOHN G. BARROW JR

Plaintiff,

-vs-

Case No. 86-400-Civ-J-10

RICHARD KING as an individual
et al.

Defendants

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O R D E R

All parties in the above-styled cases who wish to assert a claim(s) for attorney's fees and/or cost shall submit a Motion memorandum, and affidavit itemizing the requests within ten (10) days from the receipt of this Order. This affidavit shall include a time sheet which details the hours utilized in the defense of the case. Those parties not wishing to assert a claim for attorney's fees and/or costs shall so inform the Court by

pleading.

A hearing on these Motions requesting fees and costs will be held the 2nd day of June 1978, at 9"30 a,m. Court room 4, Third Floor, United States Post Office Building, 311 West Monroe Street Jacksonville, Florida.

DOE AND ORDERED at Jacksonville,Florida this 11th day of May, 1987.

/s/ Harvey E Schlesinger
United States Magistrate.

## e) THE MAGISTRATE'S SCHLESINGER REPORT AND RECOMMENDATION

REPORT AND RECOMMENDSTION

STATUS

An Order was entered stating that this case would be dismissed and that Rule 11 Federal Rules of Civil Procedure sanctions of costs and attorney's fees would be assessed following this Court's recommendation on the appropriate fees and costs. All parties wishing to assert a claim(s) for attorney's fees and/or costs were instructed to submit affidavits and time sheets detailing the hours consumed in defense of the case.

Defendants have moved for attorney's fees Affidavits and time sheets were properly submitted and a hearing was held.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Rule 11, as amended in 1983, is designed

to discourage litigants who act in bad-faith in instituting or conducting litigation. SEE e.g. Roadway Express Inc v Piper 447 U.S. 752 (1980) ; Hall v Cole 412 U.S. 1 5 (1973) Amended Rule 11 applies as anyone who signs a pleading motion or other paper.

By its own language, Rule 11 is not limited to attorneys but applies equally to pro se parties. This court of course, has discretion to take into consideration the special circumstances arising in pro se situations. Hanies v Kerner, 404 U.S. 519 (1972) . It has done so in this case. The record is replete with Plaintiff's abuse of the judicial process. In addition to the abuses found in the present case, Barrow has filed numerous cases in this Court , of which the folowing have been found to be vexatious and frivolous. 84-64-Viv -J-16; 84-104-Civ-J-14; 84-135-Civ-J-14 84-191-Civ-J-12; 84-192-Civ-J-16; 84-412-Civ-J-16; 84-437-Civ-J-16; 84-456-Civ-J-14

84-588-Civ-J-12; 84-589-Civ-J-12; 84-590-Civ-J-16; 84-981-Civ-J-16; 84-982-Civ-J-14; 84-1191-Civ-J-12; 85-91-Civ-J-12; 85-160-Civ-J-14 and 85-287-Civ-J-12. Plaintiff's litigation strategies in each of these cases has been the same; prolific and unintelligable pleadings, abusive and offensive language directed at both the court and the parties, and refusal to follow an orderly and progressive course of litigation. Under circumstance such as these, which demonstrate a continuing pattern of frivolous litigation, Rule 11 sanctions are entirely appropriate. Because this case was filed pursuant to 42 U.S.C. S 1983, attorney's fees are also available under Section 1988 of the same Title. Under that Section the Court may in its discretion award reasonable attorney's fees to the prevailing party in an action brought to enforce a provision of Section 1983 However,

(w)hile prevailing plaintiff's routinely receive attorney's fees, prevailing defendants are entitled to them only if the plaintiff's lawsuit was without foundation frivolous or unreasonable. Hughes v Rowe 449 U.S. 5 (1980) See also Harris v Plastics Manufacturing Co 617 F 2d 438 (5th Cir 1980) Bowers v Kraft Food Corp. 606 F 2d 816 (8th Cirl970) and Lopez v Arnsas Co. Independent Sclool Districit 570 F 2d 541 (5th Cir 1978) all adopting the standard set forth in Christianberg Garment Co v Equal Employment Opportunity Commission 434, U.S. 412 (1978)

Hepperle v Panama Michinary and Supply Co. 532 F Supp 1085(N.D. Fla 1982) aff'd 752 F 2d 647 (11th Cir 1985) in an unpublished opinion;

In the present case there is no question that the Plaintiff's lawsuit was without foundation. It was also frivolous and unreasonable. and the defendants who succeeded in having the lawsuit dismissed are clearly prevailing parties . Accordingly, Defendants are entitled to attorney's fees as a sanction under Rule 11 or as an award under Section 1988.

At the hearing on the Motion for attorney's fees Plaintiff was given an opportunity to question the attorney's affidavits in accordance with Johnason v Georgia Highway Express Inc. 488 F 2d 714 (5th Cir 1974). that case the Court established guidelines to be followed in determining the reasonable ness of the award for attorney's fees. those guidelines include consideration of;

1. Time and labor required
2. The novelty and difficulty of the questions.
3. The skill requisite to perform the legal service properly.
4. The preclusion of other employment by the attorney due to acceptance of the case.
5. The customary fee.
6. Whether the fee is fixed or contingent
7. Time limitations imposed by the client or the circumstances.
8. The amount involved or the results obtained.
9, The experience,reputation, and ability of the attorneys.
10. The " undesirabliity" of the case.
11. The nature and length of the professional relationship with the client.
12. Awards in simular cases.

Id at 717-19

Decisions subsequent to the Johnson case have provided the Court with guidance as to

the exact order in which it should consider these factors. First, the Court must ascertain the nature and extent of the services supplied by the Attorney.

Matter of First Colonial Corp of America 54 544 F 2d 1291 1299 (5th Cir) cert den 431 U.S. 904 (1977).

If the Court finds the number of hours excessive, it must identify the hours disallowed and explain the reasons why the hours are being disallowed. Second, the Court must determine the value of the services rendered according to the customary charges in the area and the quality of the work produced. Fitzpatrick v Internal Revenue Service, 665 F 2d 327 332 (11th Cir 1982) When the Court has completed these two steps, it will have arrived at a nominal or "lodestar" fee. Id; Dowdell v City of Apopka Fla. 521 F Supp 297 299 (M.D. Fla 1981) Upon arriving at this nominal or

"lodestar" fee, the Court must then consider the remaining Johnson factors appropriate to the case and articulate how each of the factors effects the final compensation. Cooper Liquor Inc. v Aldoph Coors Co. 624 F 2d 575 583 (5th Cir 1980). With this formula in mind, the Court turns to the questions presented by the instant case.

A. Extent of Value of Services Rendered

Gary Williams and Jann Johnson, counsel for defendants Jack Reed and Tallahassee Democrat claim an award of $5,493.75 based on 61.75 hours and $574.44 costs.

Joseph Lewis counsel for Defendant Willis, claims award of $1,555.50 based on 18.3 hours. This computes to a rate of $85.00 per hr.

John T Wilkins and Harold Wahl, counsel for Defendant Assocoated Press, claim an award of $3,983.75 and $120.13 costs.

e-8.)

Harold Wahl, counsel for Defendant St. Augustine Record, claims an award of $3,030 in attorney's fees based on 20.2 hours and $207.71 Costs.

Harold Wahl also claims on behalf of Midnight Globe attorney's fees of $ 3,370.00 based on 23 hours and costs of $112.49. On behalf of the Gainesville Sun Publishing Company Fernandina Beach News and Sarasota-Herald Tribune, Mr Wahl asserts a claim for attorneys fees for $4,904.00 for 32.7 hours and costs of $165.73 On behalf of Florida Piblishing Company, Mr Wahl seeks $4,212.00 in attorney's fees for 28.08 hours. Plaintiff does challenge the number of hours claimed by Mr.Wahl, alleging impropieties in Wahl's relationship with statecourt personnel. The Court finds Plaintiff's allegations to be without foundation and to be nothing more than unsubstatiated insinuations. Thus, upon careful review of the Submitted time sheets, the requested number of hours as follows is deemed reasonable:

| | |
|---|---|
| Gary Williams | 8.25 |
| Jann Johnson | 53.50 |
| Joseph Lewis | 18.3 |
| Harold Wahl ( Associated Press) | 19.8 |
| Mitchell Woodlief | 2.7 |
| John T Wilkins | 5.5 |
| Carol Hart | 1.5 |
| Harold Wahl ( St Augustine Record) | 20.2 |
| Harold Wahl ( Midnight Globe) | 22.0 |
| Carol McDonald | 1.0 |
| Harold Wahl ( Gainesv-lle Sun) (Fernandina Bch News Leader) (And Sarasota-Herald) | 32.7 |
| Harold Wahl ( Florida Publishing Co) | 28.08 |

Plaintiff does not contest the hourly rates claimed. Based on this Court's knowledge of the customary hourly charges in this District, the Court finds the value of the services rendered to be in accordance with the requested hourly rates. Mr Wahl is a distinguished member of the Bar who has been practicing for over 50 years. The Court therefore finds the respective hourly rates as follows reasonable;

| | |
|---|---|
| Gary Williams | $125.00 |

e-10.)

| | |
|---|---|
| Jnn Johnson 12/5/84-3/11/86 | $75.00 |
| 4/30/87-5/19/87 | $85.00 |
| 3/23/87-5/19/87 | $100.00 |
| Joseph Lewis | $85.00 |
| Harold Wahl (all cases) | $150.00 |
| Mitchell Woodlief | 70.00 |
| John T Wilkins | $111.48 |
| Carol Hart | 81.87 |
| Carol McDonald | $70.00 |

B JOHNSON FACTORS

This Court in following the guidelines set out in Johnson v Georgia Highway Express Inc. supra makes the following additional findings.

1. Time and labor required. Plaintiff's excessive unorthodox and indecipherable pleadings forced counsel for the defendants to expend a greater than average amount of time and labor translating Plaintiff's pleadings into a intelligible format to which a response could be made. As held above, the Court finds the hours expended in defense of this case to be reasonable.

2. Novelty and difficulty of the questions The case presented no noval or difficult legal questions. However, Plaintiff's unwillingness to articulate the facts on which he was basing his claim often presented perplexing and confusing factual allegations thereby increasing the time and labor expended in defense of the case. No increase in the lodestar figure should be made for this factor. Haines v Kerner supra.

3. Skill requisite to perform legal service properly; The attorneys demonistrated adequate skills commensurate with the skills and abilities of other competent counsel who regurally practice before this court. Each attorney filed an appropriate motion at the appropriate time and adequately briefed the Court on the relevant law.

4. Preclusions of other employment. Counsel for the defendants has not asserted that the defense of this case precluded

other employment. Accordingly, no increase to the lodestar figure should be made. 5. Customary fee. The fees requested are not excessive or unusal and are as discussed above, customary and usual for this type of case in this District.

6. Fixed or contingent fee; This case involved an hourly fixed fee.

7. Time limitations imposed by client or circumstances. No apparent time limitations were imposed by the clients or the circumstances.

8. Amount involved and the result obtained.

Counsel obtained results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit.

9. Experience ability and reputation of the attorney. Counsel demonistrated adequate ability and experience in accordance with the requested hourly rate. This court is unaware of any deficiency in ability that would reduse the lodestar figure.

10. Undesirability of the case. It is apparent from the nature of Barrow's litigation that the defense of a case of this sort is inherently undesirable. The clients in this case were the Victims of extended harassment which, unfortunately is the price citizens must pay if all are to have access to a civilized forum for the resolution of disputes. Barrow's pleadings are impenetrable trinkets of obscurity and a source of frustration for any attorney who must decode them in order to defend a client. However, in recognition of Plaintiff's pro se status, Haines v Kerner supra so augmentation of the award should be made because of this factor.

11. Nature and length of relationship with client. The Court has no knowledge of the attorney's professional relationship with the client.

12. Awards in simular cases. The requests for fees in this case are in accordance with awards made in simular cases.

e-14.)

For the purposes of this hearing a number of Barrow's cases were noticed for the same day out of concern for the judicial economy. However, each case was called individually and Barrow was given the opportunity to question each of the attorneys in accordance with Johnson v High-Way Inc supra. This court afforded Barrow one and one half hours to question the attorneys and to, present evidence. During this hearing the court instructed Barrow on the revelant factors as enumerated in Johnson v Georgia Highway Inc.Supra, and advised him that these were the factors the court would consider in its deliberation on the Motions of Attorney's fees.

Barrow presented no relevant evidence nor did he question the attorneys on any of the Johnson factors. Instead, he spent the one and one half hours afforded him attempting to impeach the affivadits of the attorneys had explicity sworn under oath that he or she was telling the truth.

This court notes that each of the affidavits attacked in this manner was sworn to before a Notary Public by an officer of this court. Such an affidavit carries a presumption of truth and Barrow's frivolous attack on these documents is without merit.

Accordingly, the Motion for attorney fee by Ben C Willis will be increased by one and one half hours to reflect the time expended in attendance at the hearing 1

The following awards are appropriate;

Reed and Tallahassee Democrat.

Gary Williams 8.25 X $125.-- = $1,031.25

Jann Johnson 29.5 X 75.00 = $2,212..50

10.0 X 85.00 = $8500

14.0 X $100.00 = $1,400.00

Costs $574.44 = $6,068.19

Ben Willis

Joseph Lewis 19.8 X $85.00 = $1,657.50

Associated Press

John T Wilkins 5.5 X $111.48 = $613.12

e-16.)

Carol Hart 1.5 X $81.87 = $121.63
Harold Wahl 19.8 X $150.00 = $2,970.00
Mitchell Woodlief 2.7 X $70 = $189.00
Costs $120.13 = $4,135.51

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1 Attorney fees granted for attendance at the hearing are paid only once. Wahl has already been granted allowance for the hearing that took place on June 2 1987, in Case No 84-589-Civ-J-10. The other attorneys listed within this opinion did not attend said hearing

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St Augustine Record:

Harold Wahl 20.2 X $150.00 = $3,030.00
Casts $207.71 = $3,237.71

Midnight Globe

Harold Wahl 22.0 X $150.00 = $3,3000
Carol McDonald 1.0 X $70.00 = $ 70.0

Costs $112.49 = $3,482.

.49

Gainesville Sun , Fernandina Beach News Leader and Sarasota Herald Tribune.

Harold Wahl 32.7 X $150.00 = $4,905.0
Costs $165.73 = $5,070.

Florida Publishing Co.

Harold Wahl 28.08 X $150.00 = $4,2120

RECOMMENDATION

The Motion for attorney's Fees be GRANTED in accordance with this opinion.

DONE AND ORDERED at Jacksonville, Florida this 27th day of May, 1988.

/s/ Harvey E Schlesinger

United States Magistrate

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2 Any party may file and serve objections hereto within ten(10) days after service of this opinion. Failure to do so shall bar the party from a denovo determination by a district judge of an issue covered herein and from attacking factual findings on appeal. See 28 U.S.C. S 636; Thomas v ARN 106 S Ct 466 (1986); Nettles v Wainwright 677 F 2d 404 (en banc) 5th Cir Unit B 1982 Rule 72 (b) Federal Rules of Civil Procedure; and Local Rule 6.02

Copies to;

Hon Wm T Hodges
Chief Judge

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Callahan, Fla. 32011

Harold Wahl
920 Branett Bank Bldg
Jacksonville, Fla. 32202

## PROOF OF INJUSTICE

This court is invited to examine the Docket Sheet, You will find proof that;

1) This Action has not come before the court for trial by jury.

2) The issues have not been tried.

3) And the jury has not rendered any verdict. *(look for the date of the verdict, it can't be found)*

4) As there has been no jury. SEE U.S.C.A. Amend. 7 "Unconstitutional abuse"

a) It matters not how many times, The Judge Hodges Mob dismisses a case, "without due process of law", it is VOID because of U.S.C.A. Amend. 5.

b) It matters not how many times (Judge Handling) Wahl's Buddy Buddy Tjoflat and Hatchett, (all Brothers in the Jacksonville Bar) affirms Hodges VOID decisions, the decision in this action is still an AFFIRMED VOID DECISION because of U.S.C.A. Amend 5 "reached without Due Process, is VOID."

SEE Morrissey v Brewer 92 S, Ct. @ 2605.

"Evidence and Reason, in Written Form"

There has been no responsive pleeding!

Chapter f) PLAINTIFF'S OBJECTIONS TO SCHLESINGER'S REPORT AND RECOMMENDATION.

##########################

1) Plaintiff has resisted the Magistrate from the beginning of these cases.

2) Pursuant to Judge Hodges Order of the 15th day of August 1986, these cases all combined in one ( Whorehouse Fashion) 12 cases were again referred to the Magistrate.

3) In Edwards v E.I. Du Pont De Memours & Co. et al, 183 F 2d 165,

The 5th Circuit United States Supreme Court Holds:

" Federal Civil Procedure Key 642 The subject matter of a controversy is whatever plaintiff in good faith declares it to be in his pleadings not by conclusions of the law but by well pleaded allegations of fact"

" A defendant cannot elect to make several a joint or several cause of action that the plaintiff has elected to make joint"

4) In The Fair Appt v Koiler Die & Speciality Co. 33 S Ct 410

Our Supreme Court Holds:

" Of course the party who brings a suit is MASTER TO DECIDE what law he will rely on and therefore does determine whether he will bring a " suit arising under the Constitution of these United States or other law of the United States by his declaration or bill"

AT THE ALLEGED HEARING

5) On the 16th day of October, 1986, at 9 O'clock A.M. Harvey E Schlesinger was presiding.

6) This hearing lasted about one hour -- one and a half hours at most.

7) This illegally consolidated and commingled group of cases were as follows;

Barrow v American Telephone & Telegraph Co. ( always first ) Why ?
84-104-Civ-Magistrate

Barrow v Hill 84-135-Civ-Magistrate
Barrow v Baker, 84-191-Civ-Magistra te
Baker has never come in, he is still thumbing his nose at the whole Federal system)
Barrow v Douglas 84-192-Civ-J-Magistrate
Barrow v Hood 84-414-Civ-Magistraet
Barrow v Hawkins, 84-437-Civ-Magistrate
Barrow v Haverty 84-456-Civ-Magistrate
Barrow v Wah 84-1191 Civ-Magistrate
Barrow v Walker 85-91-Civ-Magistrate
Barrow v Markel 85-160-Civ-Magistrate
Barrow v Bishop 85-287-Civ-Magistrate

Barrow v T.B. Bird, 84-412-Civ-Magistrate

* The Supreme Court apparently erred because the plaintiff was not the Master to decide anything !

9) How in the name of God Almighty could this Plaintiff without any legal education defend this Crock of Manure ?

10) With 12 cases in a hearing lasting but 1½ hours at most, this did give the average of 7.5 minutes to learn of all who testified and all about this conspiracy to EXTORT BY FORCE OF THE COURT, approximately $150,000.00 as criminal contempt for mumbling and stumbling through a redress of injuries inflicted upon this Plaintiff by these defendants.

11) In 7½ minutes per " case and controversy" how in the name of God Almighty could a Supreme Court Justice go through the interrogation questions and answers of the Johnson factors ? This would have been at the rate of one question each half minute and one answer each half minute.

12) Some of the attorneys stated that they came only for the show !

13) Some of the attorneys ducked their tails and ran like that of a scared rabbit.

14) Mr Homorable Schlesinger dogmatically refused to admit even written evidence. Mr Schlesinger could read 30 feet distant.

15) The entire Sherade was a Nightmare, a Kangaroo Court with a Bias Judge Bubbling over with enmity and hate.

16) If the defendants attorneys had have had enough guts to stick around they would have been scared clean out of their Drawers. The only one that remained for the full time was " Federal Judge Handling Wahl After all, it was Judge Handling Wahl's show that Wahl was directing.

TOTALLY INSANE

17) Mr Harold B Wahl alias (Federal/Judge Handling) Wahl, did as a Grand Finale, Beg and Plead with Schlesinger to Lock

Barrow up again as he, Wahl, did so successfully accomplish in State Court. Thirty days without counsel, without any evidence. Without any chance to defend the persecution of " Judge Handling Wahl" did cause Barrow to be confined without a day in court.

Without defense, without counsel, without a Dog's chance and without Bond so that no attorney could come to Barrow's aid. Then while incarcerated, Barrow was threatened. LOCKED ,in a manner of cruel and unjust punishment all at the financial arrengements of Harold B ( Judge Handling) Wahl.

At the Wayzoose on the 16th day of October 1986, before the Great Justice Schlesinger Mr Wahl gave a repeat proformance. So there was a hearing as stated by Schlesinger.

18) It is very true that this plaintiff did not question or contest the hourly

rates Claimed.

19) The whole affair is but a Night-mare.

(i) There has been no notice of hearing in this case.

(ii) There has been no decision made other than behind closed doors.

a) There has been NO BAD FAITH on the part of Plaintiff.

b) There has been NO ABUSE OF JUDICIAL PROCESS.

c) That there is any justification in Sanctions or need for Sanctions.

20) There are only two adversarys in all of the twenty cases that is the same two in all 20 cases. " Judge Hodges" and " Schlesinger". The entire record of all twenty cases there has been not one person on Earth to respond to any averment in any of plaintiff's complaints.

Schlesinger comes on Loud and Clear and with both Fists and both Feet like that of a Wild Beast.

Always loaded with plenty of his Own Brand of Garbage in every Report and Recommendation. Plaintiff has not a Prayer. Just so low as to be below the protection of the law.

Equal justice and/or a day in court is completely out of the question.

If God would grant me the power to see Schlesinger go through each of the Johnson Factors and Answers thereto, with all of the Counselors in twelve cases in a peroid of one and one half hours for all twelve cases this would have to be put on computer to even write. Absolutely not humanly possible, Crazy ! Insane ! Absurd !

Schlesinger and his unjust Reports and Recommendations qualifies him to be the lowest and low creepinst individual that I have ever met and may God have mercy on his poor and creepy soul. I do Pray to God.

f-8.)

The more I read Schlesinger's Reports and Recommendations the easier it is to See Harold B ( Judge handling) Wahl's motivations of Schlesinger. They are a Team !

Just count the pages in the record of Harvey E Schlesinger's Report and Recommendation, filled with enmity, odium and abominations comparing the number of pages of any of the defendants.

Responsive pleadings.

21) After four years and no hearing and no jury, Schlesinger comes on all at once in March 1988, with eleven of his illegal, asinine and erroneous charges on behalf of his partners in Crime, that of a R.I.C.O. Nature, with firm inter-state connections.

22) The defendants make no allegations while thumbing their nose at Federal Rules of Civil Procedure Rule 7(a) ( Responsive pleadings)

23) Mr Schlesinger on behalf of the defendants in his Mob Alleges:

" The record is replete with plaintiff's abuse of judicial process"

24) Mr Schlesinger does not reveal the place or the date of the decision behind the Black Curtain the hearing on Sanctions without any resemblance of a jury.

25) Mr Schlesinger on behalf of his co-conspirators injects many,many other cases with no privity to this case, but submitted only to injure Plaintiff " Under Color of law".

26) Mr Schlesinger rattles on and on, about prolific , un-intelligible pleadings and more and more garbage, however, Old Friend Schlesinger refuses to state the date and place of the " behind closed doors" decisions.

27) In 10 Rep 76 a.b. Str 994;
In 3 Willis 345 2 T.R. 225;
In 5 Taunt 500;
In 1 Marsh 20
In RepT Hardwr 63 3 M&S 411

f-10.)

In Barn & C 169
In 14 Ad & EL (N.A.) 814
in 15 AD & EL (N.S) 240
In 2 Stark Ev 807
In 5 Johns 282
In 9 Johns 392
In 12 Johns 257
In 3 Maine 330
In 24 Vt 143
In 2 Gray 120
In 2 Gray 570
In 4 Gray 83
In 11 Cush 315
In 2 Harr (N.J.) 58
In 7 Oh (N.S.) 45

These Courts hold:

" Wilful abuse of power, corrupt exercise of office express malice towards an individual, and working intentional injury to him by means of false entries by a judge on the records of a court of general jurisdiction, are not judicial acts, and not within the discretion of the judge; and satisfactory proof of those facts is admissable in evidence in actions to usurp the wrong done by such acts to show that in the particular case thr judge attempting to create for himself a jurisdiction and discretion not given by law"

28) In Houlden v Smith 14 Q.R. 841;

The Court Holds:

" If the court has no jurisdiction of the case and the judge who was presiding knew of the facts, he is liable in his action, although he did not act corruptly or maliciously"

29) In Randall v Bringham, 7 Wall 523 19 L ed 285

The Court holds:

" If the alleged trespasser be a judge of a court record, the only question is was the act done a judicial act within his jurisdiction ? Of this he is not the judge. If it was not, and " he has acted without jurisdiction, he has ceased to be a judge"

30) " No court can create a jurisdiction for itself by its own statement of Facts put on record, without any proceeding as the basis of such record"

31) Mr Schlesinger being orchestrated by Judge Hodges 250 miles distant from all parties has done just that !

Created a jurisdiction for itself by its own (erroneous) statement of (erroneous) facts with no relevance to the above styled case and put on record without any proceedings of any kind or nature except behind closed doors and thereby uses same as a basis of such record except that there does exist no record of public knowledge.

32) Consisting of wilful abuse of power, a corrupt exercise of office and express' malice toward an individual, this Plaintiff

33) In Evanson v Holtzman, 775 F 2d 335 ( 1985).

f-12.)

The United States Court of Appeals,

Third Circuit Holds:

" Federal Courts Key 813:
" On review of a sanction imposed against an attorney, question is not whether reviewing court would have applied the sanction but WHETHER DISTRICT COURT ABUSED ITS DISCRETION IN DOING SO"

34) In this action of " Schlesinger out to injure Barrow, , Schlesinger's responsive pleadings for the defendants Schlesinger States:

Barrow presented no relevant evidence"

This plaintiff knows of no other words except that this is one of the Damnest lies ever told by the lying Schlesinger --- Schlesinger would not even accept Written evidence, dogmatically refused, Schlesinger stated ' that he could read the type written page 30 or more feet distant' Schlesinger's one and one half hours of time afforded is another lie, there was present only ( Judge handling) Wahl and Schlesinger present in addition to this plaintiff, in most of his Kangaroo court hearing, no jury !

35) In National Hockey Lrague v Metroplitian Hockey Club, 427 U.S. 639,642 96 S.Ct.2778 2780 49 L Ed 2d 747 (1979)

The Supreme Court Holds:

" On review the question is not whether the reviewing court would have applied the sanction, but whether the district court abused its discretion in doing so"

36) In Roadway Express Inc v Piper, 447 U.S. 752 767, 100 S Ct 2455,2464, 45 L Ed 2d 488 (1980)

In Eash v Riggins Trucking Co. Inc, 757 F 2d 557 570 (3rd Cir)

The Supreme Court Holds:

" In considering the imposition of a penalty upon attorneys, we have cautioned that ' other sanctions, attorney

fees SHOULD NOT BE ASSESSED LIGHTLY OR WITHOUT FAIR NOTICE, and an opportunity for a hearing on the record".

37) Mr Schlesinger on behalf of his client co- conspirators should state on what date and behind what doors plaintiff stands accused and with conviction of criminal contempt as related to;

a) Abuse of judicial process ?
b) Vexatious and frivolous ?
c) Prolific ?
d) Un-intelligible pleadings?
e) Abusive and offensive language ?
f) Refused to discontinue giving Citations of the Supreme court as demanded by Schlesinger, to scuttle Plaintiff's Pleadings
g) Frivolous litigation ?

f-14.)

This Case has never passed the initial 20 day peroid for responsive pleading. Federal Rules of Civil Procedure Rule 7(a).

38) The defendants have at no time raised any allegations what so ever. The defendants counselor, is Schlesinger who is Judge, Jury, Accuser and prosecutor,with no truth in his mouth, defending all defendants.

39) In Donaldson v Clark, 786 F 2d 1570; The 11th Circuit Court of Appeals calls attention tp:

Contempt Key 74:

" Trial court acted improperly in assessing a fine against plaintiffs attorney for past conduct pursuant to Federal Rules Civil Procedure 11 governing signing of pleadings without affording him procedural safe-guards applicable to Criminal contempt proceedings" Fed. Rules Civ. Proc. 42 (a) (b) 18 U.S.C.A.

Contempt Key 74:

" There may be circumstances under which it is appropriate for a court to impose a fine pursuant to Federal Rules Civil Procedure Rule 11 for purpose of punishing an attorney for violating the provision of tha rule relating to the signing of

pleadings, however, since purpose of each fine would be to punish the attorney for past conduct, the fine would be in essence a Sanction in the nature of criminal contempt and therefore court must follow the procedures as required in criminal contempt proceedings" Fed. Rule Civ. Proc. Rule 11, 28 U.S.C.A. Fed. Rules Civ. Proc Rule 42(a) (b) 18 U.S.C.A."

The defendant ( this plaintiff) is entitled to a TRIAL BY JURY in any case in which an act of Congress so provides.

40) Plaintiff's pleadings are ALL WELL GROUNDED, both in fact and in law, and has not been used for improper purposes it is the court who is putting this Plaintiff to base use, the same as if a Street Walker. This District Court in any of these cases is not a court of competent jurisdiction as they are biased.

41) Schlesinger and Hodges in collusion with their co-conspirators are again comming on strong, to extort by force of the court thousands, upon top of thousands of dollars as punishment for making an effort

f-16.)

to prevent and overcome injury to this plaintiff by the defendants, their counsel in conspiracy " under color of law"

42) Because of Schlesinger and Hodges involvement and that under,R.I.C.O because of the Federal Circuits System being interstate and more than one act of corruption involved 18 U. S . C . S 1961-8.6.

43) To demonstrate the Bad Faith of the United States District Court and their co-horts:

(i) Jason Vail is a full time employee of the State of Florida being paid by the taxpayers already. And known by Hodges and Schlesinger to be !

(ii) Thomas D MacNamara is a full time employee of the County and a racketeer paid by the taxpayers and know by Hodges and Schlesinger to be !

(iv) Michael S Mullin is a full time employee of the County and a racketeer paid by the taxpayers and know by Hodges and Schlesinger to be !

(v) Charles E Pellicer and others are full time employees and known by Hodges and Schlesinger to be !

All being part of the over all entity involved is a conspiracy to participate in a pattern of Racketeering of more than one act of corruption because of the Federal District Court, which is a Federal Government Entity 18 U.S.C.A. S 1962

(44) In the United States v Stratton, 649 F 2d 1066;

The Fifth Circuit holds:

" Frorida third judicial circuit, a Government entity, properly constituted an " enterprise " under the Racketeer Influenced and corrupt organization Act 18 U.S. C.A. S 1961 (4).

" Under the racketeer influenced and corrupt organization Act prosecution is not required to specify whether the enterprise is either a " legal entity" or a " group of individuals associated in fact although not a " legal entity" 18 U.S.C.A. S 1961(4)

" The Racketeer Influsenced and Corrupt Organization Act requires only that activities of the enterprise be connected with interstate commerce" 18 U.S.C.A. S 1962.

Such as Haverty Furniture, Florida Power & Light Co, F.H.A., H.R.S. Oglethrope Corp D.A.C. and the American Telephone and Telegraph and the United States District Court Middle District of Florida, a Government Entity properly constitutes an " enterprise

f-18.)

under the Racketeer Influenced and Corrupt Organization Act 18 U.S.C.A. S 1961 (4).

45) The United States v Stratton, is RIGHT ON POINT, in the entire case except, that in United States v Stratton the State Government entity properly constituted an " enterprise" whereas in U.S.Federal Court, Judge Hodges is a United States Government Entity properly constituting an " enterprise" the only differance being State as opposed to a Federal " enterprise" under the Racketeering Influenced and Corrupt Organization Act 18 U.S.C.A. S 1961 (4)

46) In this case and controversy, is not such acts as that of prostitution Rooster fighting or theft, Contrawise, we have evidence of an indisputable conspiracy to,provide for an un-quistionable deprivation of any resemblance of " due process of law"

and a complete deprivation of " justice equal to that afforded others" See Entire record.

" Handling with the Court" " Handling with the Magistrate" " Handling with the Clerk" " The Judges Response and letter" Out and out extortion of the Court.

IMPOSITION OF SANCTIONS
ARE NOT WARRENTED AND
CONSTITUTE AN ABUSE
OF DISCRETION.

1) In Evenson Auchmuty & Green v Holtzman 775 F 2d 535 (1985)

Federal Key 572;

" For collateral order to be appealable it must, conclusively determine disputed question, resolve an important issue and be effectively unreviewable on appeal from final judgment"

2) There has been absolutely none of the issues resolved.

Attorney and Client Key 24;

3) " If either party's bad faith is determined of whether attorney's fees should be awarded under Federal Civil Rule 11 authorizing sanctions to be imposed upon an attorney who violates his or her certification that good grounds support his or her pleading and that pleading is not interposed for dely, then

parties should be given an opportunity to present appropriate submissions on the issue. Fed. Rule Civ.Proc Rule 11, 28 U.S.C.A.

4) This plaintiff has interposed no pleadings for delay or to harass anyone.

5) This plaintiff must be given an opportunity to present appropriate, submissions on the issues that have arisen. Fed. Rules Civ. Proc Rule 11 28 U.S.C.A.

6) In Evenson, Auchmuty & Green, 775 F 2d 535 (1985)'

" For an order to be collateral therefore, it must meet the following three part test. the challemged order must" conclusively determine the disputed question resolve an important issue completely seperate from the merits of the action, and be effectively unreviewable on appeal from a final judgment" Coopers & Layband v Livesy, 437 U.S. 463 468 98 S Ct 2454 2458 57 L Ed 2d 351 (1978)

7) In Rubin v Backman, 727 F 2d 71,73

The Third Circuit Holds:

" If bad faith has been determined then the party should be given an opportunity to present appropriate submission on the issues"

8) The District Court alleges decision to impose sanctions is based soley upon

District Court's preception that Plaintiff has wilfully and deliberately violated its order to retain a Florida Statute 877.01(4) fee Splitting attorney to scuttle plaintiff's case pursuant to the whims of Judge Handling Wahl, Hodges and Schlesinger.

9) In Evenson, Auchmuty & Grees, v Holtzman, 775 F 2d 535 (1985);

" In order to cite a person for contempt for violating a court order, two principles each a corollary of the other, must among other requirements, be established. The first of these is that it must be proved that the alleged contemnor had knowledge of the order which he is said to have violated. The Corollary of this proposition is that the order which is said to have been violated must be specific and definite . These two princpiles are merged in a general statement, which is specifically applicable here, " an order can be so vague or indefinite that, even though the alleged contemnor is charable with knowledge of such order he cannot be punished for doing what he did in view of lack of certainty as to what it prohibited or directed"

10) The District Court's decision at what ever forum " behind closed doors" is politically motivated, nutured by enmity and hate because of the " Handling with

the Magistrate" and RESPONSE OF THE JUDGE AND LETTER' The handling of the Clerk and the handling of the Court.

With This:

a) There has been no disputed question determined or resolved.

b) There has been no important issues resolved.

c) No consideration of the Merits. See Cooper Lyband v Livesy, 98 S.Ct.1454, 2458.

Wherefore this plaintiff strongly objects to Mr Schlesingera repugnant Report and Recommendation and does Honest To God, Pray for Schlesinger's Lousy and dirty Soul. Schlesinger does know better, you may be assured.

Respectfully submitted

John G. Barrow Jr
A layman without legal education
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

CHAPTER g) * * Judge Handling Wahl's Affidavit of ex parte handling of the Magistrate, handling ex parte of the Court, handling ex parte of the Clerk of the Federal Court All under Oath.

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF DUVAL

Before the subscriber personnaly appeared Harold B Wahl, Esquire, who being duly sworn, deposes and says that he has been admitted to practice law since 1932 in all State and Federal Court of Florida and in the Supreme Court of the United States since 1936.

He has handled the case of John G Barrow Jr v Harold Harold B Wahl et al, Case No. 84-1191-Civ-J-10 from its inception.

Attached hereto are statements which he submitted to A.T.&.T Communications dated April 26, 1985 and December 12, 1985. which outline the handling given the case up until December 12, 1985,

g-2.)

Mr Wahl's hours to the date of December 12, 1985, totaled 20.5 and the firm's associateMitclel E Woodlief, Esquire, hours to that date totaled 2.1 hrs. for wich AT&T Communications was billed and for which the firm was paid $3,262.

Since December 12, 1985, he has expended additional time for which no statement has been submitted as follows:
January 7,1986 receipt of opinion from the court of Appeals reversing the lower court; study and handling with the Court; preparation and filing of Motion for Sanctions, and to dismiss, handling with client (2.8 hrs -Wahl) ; January 16, 1986 receipt and review of Plaintiff's Memorandum in Opposition of Motion for Sanctions (.3 hrs-Woodlief); January 29, 1986, handling with client and obtaining and forwarding to client Barrow's Motion of joinder, Motion for Transfer, Motion For Recusal and Motion for Leave to Amend (1.1 hrs.- Wahl); February 3, 1986, receipt from

Clerk Mandate; handling with client (.5) hrs, -Wahl; February 6,1986, receipt of Order from Magistrate; handling with client (.7 hrs) - Wahl; February 10, 1986, receipt of Order from Magistrate and handling with client (.5 hrs-Wahl) February 19,1986, receipt from Barrow of " Application for an Extraordinary Writ Title V"; handling with Clerk and Client (.8 hrs.-Wahl) ; February21, 1986, receipt of Amended Complaint from Barrow, and preparation and filing of Motion To Dismiss, for Sanctions and attorney's fees handling with Magistrate and Client (1.1 hrs - Wahl) February 26, 1986, receipt of Motion filed by Barrow; handling with Client (1.2hrs - Wahl); March 20, 1986, receipt of " Plaintiff's Response to Defendant's Martin and Haddock Motion to Dismiss; handling with client (.4 hrs-Wahl); July 23, 1986, preparation and filing Affidavit on attorney's fees (.5 hrs -Wahl).

g-4.)

Affiant's regular rate for handling matters of this nature is not less than $150.00 per hour; and the rate for Mitchel Woodlief is not less than $70.00 per hour. Ms Lanier law clerk for the firm, expended 1.5 hrs and this time was billed at a flat rate of $40.00
Affiant submits to the Court that a fee of $4,813.00 for services to date would be in order.

/s/ Harold B Wahl

Sworn to and SUBSCRIBED before me, this 23rd day of July, 1986.

/s/ Ann Falkenberg

Notary Public, State of Florida
At large.
My commission expires
February 25, 1990

AT&T COMMUNICATIONS INC.
PAGE 2 STATEMENT
April 25,1985

October 31, 1984 preparation of motion for sanctions and protective order and letter (Wahl) - 1.8 hrs; November 5, 1984 receipt of order from magistrate and letter (Wahl) -1.1 hrs; November 5, 1984 Handling with Funk motion for attorney's fees (Wahl) -.12 hrs; November 6, 1984 receipt amended complaintand preparation of motion (Wahl) -2.2 hrs ; November 26, 1984

receipt of Barrow's motion nad Magistrate's order staying discovery and letter (Wahl) 1.0 hrs; November 27, 1984 served processor server and letter (Wahl) .9 hrs; December 20, 1984 receipt of papers and letter (Wahl) 4 hrs; January 2, 1985 receipt of plaintiff's response and letter (Wahl) .7 hrs. January 15, 1985 Barrow's motion to disqualify government counsel handling and letter (Wahl) .7 hrs; January 21, 1985 Judge's response and letter (Wahl) .7 hrs; February 18, 1985 order of recusal and letter (Wahl) .8 hrs; February 28 1985 order allowing amendmnt by Barrow (Wahl) .6 hrs; March 6, 1985 receipt of amended complaint study preparation of motion and letter (Wahl) 2.6 hrs; March 13,1985 Barrow's response and letter (Wahl) .8 rs; March 15, 1985 correspondence (Wahl) .3 hrs; April 10, 1985 order from court enjoining actions by Barrow handling and letter(Wahl) .5 hrs

$4,285.00

DISBURSEMENTS:

Photocopies $85.75

## PROOF OF INJUSTICE

This court is invited to examine the Docket Sheet, You will find proof that;

1) This Action has not come before the court for trial by jury.

2) The issues have not been tried.

3) And the jury has not rendered any verdict. *(look for the date of the verdict, it can't be found)*

4) As there has been no jury. SEE U.S.C.A. Amend. 7 "Unconstitutional abuse"

a) It matters not how many times, The Judge Hodges Mob dismisses a case, "without due process of law", it is VOID because of U.S.C.A. Amend. 5.

b) It matters not how many times (Judge Handling) Wahl's Buddy Buddy Tjoflat and Hatchett, (all Brothers in the Jacksonville Bar) affirms Hodges VOID decisions, the decision in this action is still an AFFIRMED VOID DECISION because of U.S.C.A. Amend 5 "reached without Due Process, is VOID."

SEE Morrissey v Brewer 92 S, Ct. @ 2605.
"Evidence and Reason, in Written Form"

There has been no responsive pleeding!

(All letters are prohibited by Local Rules)

Chapter h) * STATE OF FLORIDA PLEADS MISTAKE FOR NON-JUDICIAL ACT OF JUDGE HADDOCK'S ACT OF FALSE IMPROSINMENT IMPORTANT TO THIS CASE BECAUSE OF HODGES CONSOLIDATION OF "ALL OF THESE CASES" AND THE WHEEL WITHIN A WHEEL CONSPIRACY

DEFENDANT'S MARTIN AND HADDOCK'S MOTION TO DISMISS AMENDED COMPLAINT

Defendants Martin and Haddock hereby file their motion to dismiss the Plaintiff's amended complaint pursuant to Rule 12(b) (6) Fed. R. Civ. P. on the ground that it fails to state a claim against them on which relief can be granted.

MEMORANDUM OF LAW

In its order of February 7, 1986 granting the plaintiff's motion to amend his complaint the court required him to comply with three conditions: that the first read Rule 11 Fed R Civ.P and the court's opinion in Dykes v Hosemann 776 F 2d 942 (11th Cir 1985) that he name no additional defendants and that he write a comprehensible complaint stating only the facts

that give rise to his claim.
It does not appear that the plaintiff fulfilled any of those conditions. The Complaint though in numbered paragraphs

is as rambling, vague and incomprehensible as his original. He appears to be trying to name another defendant, Judge Lamar Winegeart, and it is clear that he has not read or understood Dykes v Hosemann.

From the attachments to his amended Complaint and from scattered references in his complaint, it is clear that the plaintiff seeks to hold defendants Martin and Haddock, both Florida Circuit Judges, liable for acts taken in their judicial capacity. Judge Martin found the Plaintiff guilty of contempt for violating an injunctive order entered years ago by Judge Winegeart. See American Telephone and Telegraph Co v Barrow 34 Fla Supp 129 (Cir Ct Nassau County, 1970).

Judge Martin sentenced plaintiff to 30 days jail time but suspended the sentence upon the plaintiff sworn promise not to interfere with an easement held by AT&T running through the Plaintiff's property. SEE Judge Martin's order of March 30, 1981. attached to plaintiff's amended complaint. Judge also made the mistake of finding the plaintiff in contempt for violating Judge Winegearts original order. He vacated the suspended sentence entered by Judge Martin and ordered the Plaintiff to serve 30 days in the Nassau County jail, a term which plaintiff evidently served. See plaintiff's exhibit A

/s/ J Vail
Assistant attorney General
Department of legal affairs
The Capitol
Tallahassee, fl 32301

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail to JOHN G. BARROW JR Route 1 Box 470 Callahan, Fl 32011 and Harold B Wahl 920 Barnett Bank Building Jacksonville, Florida 32202, this 25th day of February 1986.

h-4.)

In Jones V Bales, 58 F.R.D. 453 463 (.D. Ga 1972) aff'd 480 F 2d 805 %5th Cir 1973)

The 5th Cir Holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive, frivolous or malicious lawsuits. They are immune from imposition of costs if they are unsuccessful and because of their poverty, they are practically immune from later tort actions for 'malicious prosecution or abuse of process"

Was the United States Constitution

written to protect the People's Con-

stitutional Rights from being raped

by the Government by Acts such as the

Sanction Monger , he Schlesinger ?
QUOTE SCHLESINGER'S INTENT

Defendants " Counsel obtained results sought; dismissal of the case prior to trial and relief from harassment by the suit"

And the State of Florida by the Bribe-

begging Jason Vail ?

DEFENDANTS, UP TO THIS DAY, have FILED NO ANSWER to any issue.

The most important aspect to this case and controversy, is it's History. What water has already gone over the Dam ?

1) Plaintiff filed a Complaint.

2) There has been to this date not one answer to any one averment of any complaint in any case. Federal Rules of Civil Procedure Rule 7(a).

This is where the Baby Justice was thrown out the window with the wash.

3) Our Great Chief Justice Hodges litterly took his own " Hodges Law" as if it were a Giant Hatchet and BLUGEONED to Death all chance of " redress of any grievance" of this Plaintiff-Appellant. Mr Hodges called this " Consolidation of " ALL THESE CASES" . This death blow remains.

4) Then Hodges and his Wicked as a Witch Godfather, Harold B Wahl,turned

" ALL OF THESE CASES" over to the Slick Wheelright of the Wheel Within A Wheel Conspirators. Their purpose of the transfer was to promote the Scheme of out and out extortion of approximately $150,000.00 by force of the Federal Court system.

5) This has resulted in the Clerk of the Federal Court filing Judgments of $48,752.76 on behalf of Harold B (Judge Handling) Wahl alone, as compensation for his attendance of ONE HOUR duration at said Kangaroo hearing . As Schlesinger stated in his foot-notes.

6) Judge Hodges one of the central figures can easily afford to compensate (Judge handling ) Wahl $150.00 per hour of Plaintiff's flesh when the Three Central Figures Hodges, Schlesinger and Wahl, can arrange such exorbitant extortions by force of the court, as spoils to be split pro-rated by their participation in the venture agreed upon in the arrangement.

7) Did it ever occur to you as being strange that the High Classed Counselors of " ALL OF THESE CASES" did not participate in this extortion scheme ? Wanted no sanctions !

8) Now, most of " ALL OF THESE CASES" have been dismissed, by void decisions. Void because of being reached without any due process of law, whatsoever.

9) To this date, in all of THESE CASES the 11th Circuit has, condoned affirmed and ratified the void decisions.

10) The United States Supreme Court has said that the Open Forum is an alternative to violence. Is the High Court now saying, that violence is an alternative to " Void decisions" and the absence of Open Forum.

11) In Conley v Gibson, 355 U.S. 41

The Supreme Court holds:

" The Federal Rules subject the approach that pleading is a game of skill, in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to

facilitate a proper decision on the merits" Maty v Crasselli, Chemical Co. 303 U.S. 197 58 S Ct 507 82 L Ed 745;

But this does not mean a DAMN THING !

12) In Backman v Seaboard Air Line R. Co.

80 f Supp 976, The Federal Court Holds:

" It is a familiar canon of construction that a construction of pleading is to be preferred where reasonbly possible which will give effect to all of its material allegations in the words of a leading case, the court in passing on such issue must look to " the substance of the entire pleading"

"'It will not do " to take words used in one part of the complaint and, by seperating them from the context and consid ering them without reference to the complaint as a whole, to draw from them an inference favorable to the defendants theory which is opposed to the one deduced from a reading of the whole complaint"

And the one which the pleader evidently had in mind in framing.

13) In Louisiana v Junel 107 US 711, 719 720 723 728.
In Hagood v Southern 117, US 52 67 et seq
In re Ayers 123 US 443 492
In Pennpyer v McConnaughty, 140 US 1 10 et seq
In Smith v Reeves 178 US 436 440
In Murry v Wilson Distilling Co 218, US 151 168 170
In Lankford v Patta Iron Works Co 235, US 461 469

In ex parte N.Y. 256 US 500
Also 41 S.Ct.588;

The Supreme Court tells us;

" It is now established that the Question to be determined not by mere means

of the titular parties but by essential nature and effect of the proceeding as it appears from the entire record"

All of these courts were telling a Joke

14) In Maty v Grasselli Chemical Co. 303 US 197 58 S.Ct.507 L ed 745;

The Supreme Court Holds:

" The Federal Rules reject the apppoach that a pleading is;

'" A game of skill which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits"

15) In Scheuer v Rhodes 94 S.Ct.1683 (1974)

The Unitd Stated Supreme Court Holds:

" Its applicability is to be determined hot by mere name of the titular parties, but by the essential nature and effect of the proceedings as it appears from the entire record" ex parte New York 256 US 490 500 41 S.Ct.588, 590 65 L Ed 1057 (1921)

16) Now the Defendants come up with the issue;

" The trial court did not abuse its discretion in dismissing Plaintiff's Complaint"

h-10.)

a) If this is true, the entire judicial system should be abolished.'

b) The purpose of the complaint is to adjudicate each averment each by each.

c) If dismissal is appropriate;

(i) Without any hearing, on the issues.

(ii) Without any hearing on the merits

(iii) Without any confrontation.

(iv) Without any open forum.

(v) Without any notice of hearing.

Then, in that event, we might just as well turn justice over to the Private Sector ---- Some Mail Order House !

The Three conditions of the Court's last half of Page h-1) was no less than Coercion and Scare Tacts repugnant to the Fifth Circuits Edwards v E.I. DuPonte De Memours 183 F 2d 165 and ; not consistant with The Supreme Court of these United States ¥; Foreman v Davis,(1962) 371 US 178 182 83 S Ct 227 9 L Ed 2d 222, the court citing TREATISE, reterated the philosophy of Rule 15 that amendments of the pleading ARE TO BE GIVEN FREELY EVEN AFTER A COMPLAINT HAS BEEN DISMISSED"

And the Supreme court of the United States In Griffin v County School Board of Prince Edward County,(1964) 377 Us 218 227, 84 S.Ct.1226,12 L ed2d 256.

FINDINGS AND CONCLUSIONS
OF A MAIL ORDER JUDGE

With no one before Judge Hodges and therefore no jurisdiction, of the person, and no jurisdiction of the subject-matter because of no jurisdiction of the person, these Central Figures relied upon the Agreement to the Scheme of the Godfathers of the Sanctions, Harold B (Judge handling) Wahl and the Hatchet Man Schlesinger, in collusion with:

a) Assistant Attorney General Jason Vail, begging for Bribes.

b) A long list of State and Federal Officials and employees on the payroll begging for Florida Statute 838.015, .016 Bribes and Florida Statute 112.313 Conflict of Interest Corruption.

There findings were:

a) Clearly spelled out in Judge Hodges Order of April 5, 1985 and still pregnant, irrespective of the 11th Circuit Mandate of January 24, 1986.

i-2.)

Payola by way of Florida Statute 877.01

(4) or NO JUSTICE !

b) Schlesinger's Tax Injunction Act though taxes per se was not involved, Schlesinger ADMITTS.

c) res judicata based upon Judge Melton's VOID DECISION of a previous case.

d) Harold B Court handling) Wahl's Sanctions to an out and out extortion of $150,000.00 in spoils by force of the Courts judgments to nurture " The Wheel Within A Wheel Conspiracy"

To injure Plaintiff's Constitutional Rights for ever more and a day.

All of the above has been accomplished by " THE WHEEL WITHIN A WHEEL"

e) On page 9 of Schlesinger's Notorious Report and Recommendation of Barrow v Reed 84-082- and " All of these cases" See page 2 of the same instrument included in the Record Excerpts, because of Schlesinger's admitted relationship to all eighteen cases.

d) Another finding of the COURT OF SCHLESINGER'S LAWS is best explained by Schlesinger on page 9 at the bottom of the page.

Quote: " During this hearing the Court instructed Barrow on relevant factors as enumerated in Johnson v Georgia High-Way Express Inc. " Plaintiff should have read Schlesinger's mind so as to prepare prior to hearing. Plaintiff should have used a Crystal Ball to learn this

on his own, in advance of the Kangaroo Court, so as to ask hundreds of questions of dozens of attorneys -- drilling out hundreds of answers for all eighteen cases, illegally consolidated in the one hour hearing, if one dared to class same a hearing.

f) On page 10, at the top in same instrument the lying Schlesinger stated: " Barrow stated no relevant evidence" The truth of the matter is, that Schlesinger would accept NO EVIDENCE.

g) The Magistrate offers a confession for the entire Mob involved in the "Wheel

i-4.)

Within a wheel" on page 8 of the Barrow v Reed and the Barrow v Haverty Reports And Recommendations. Paragraph 8.

" Counsel obtained the results sought; dismissal of the case prior to trial, and relief from immediate (sic) immen imminent ) harrassment of the ( results of the suit' )

What happened to " DUE PROCESS OF LAW, appropriate to the Circumstances ?

Plaintiff was not afforded A DOG'S CHANCE !

CHAPTER j) KNOW THE JUDGES
KNOW THE ANSWERS

With the total to date of One Hundred Thirty -Two Thousand, Eighty-Three Dollars of Judge Hodges Judgments as tortue to the Petitioner, for Petitioners having made a Good-faith effort to seek Redress of Grievances of injuries inflicted by the State and Federal Officials, "under color of law," this cruel and unjust Punishment as of this date amounts to ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE DOLLARS. This can be said to be no less than an Out and Out Extortion, by force of the Federal Court. One must be mindful that there is little difference between Little Boys and Big Boys, except of the Games they play.
The Little Boys play "Cops and Robbers."
The BIG BOYS especially, the GREAT BIG BOYS play "Judges and Robbers"!

j-2.)

Harold B (judge handling) Wahl

( PHOTO NOT AVAILABLE )

is not a Judge. Wahl is a Judge Handler. Wahl demands ONE HUNDRED FIFTY DOLLARS per each hour;

a) to handle the Judges. See: (w-2) (w-28 .

b) to handle the Magistrate. SEE page (w-13) ,w-9.),w-20.)

c) to handle the Court,SEE: page (w-8) (w-9) (w-12) (w-17) (w- 15) (w-19)

Wahl does a Good Job. The judges are so well handled by Wahl that the Judges use the Force of the Federal Court to collect the $150.00 per each hour. See Page (w-5)

The Honorable Harold B (Judge Handling) Wahl is so good that his co-conspirators have awarded Mr. (Judge Handling) Wahl in various State Court Judges Names and clients names far in excess of $50,000.00

without one responseive pleading or one day in court on the issues. This is to increase shortly, because of Mr (Judge Handling) Wahl Connections in the 11th Circuit Court of Appeals who are Members of the Jacksonville Bar.

JUDGE GERALD BARD TJOFLAT

Who is one of the three Judges in Court of Appeal's affirmance of at least thirteen of Petitioner's cases has associates in Jacksonville such as Howell and Kirby Jacksonville 1957-1958 and Partners Howell and Tjoflat 1958-1960 and Partner Mahoney Hadlow Chambers and Adams 1960- 1968. There is no wonder that this Petitioner has been unable to obtainRepresentation by counsel.

Judge Gerald Bard Tjoflat not only is active as a Judge in the 11th Circuit in Atlanta but also in Jacksonville Florida as well.

Buddy Buddy with Judge Handling Wahl and Wm Terrell Hodges .

There is no State law that prevents Gerald Bard Tjoflat's take in the ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE DOLLARS SWINDLE , as a matter of fact F.S. 877.01(4) protects this Corruption.

Judge Gerald Bard Tjoflat signed his full NAme to the affirmance of the "void decision" of Judge Hodges in Barrow v Wahl as well as Barrow v American Telephone and Telegraph , in all other instruments of affirming all of Hodges "Void Decisions" Tjoflat 's name is typed in signifying a Special Personal Interest to the(Judge Handling)Wahl Cases.

The community knows of the other close

ties between Judge Tjofalt and (Judge Handling) Wahl, so who has to be told of Judge Tjoflat's personal interest in the outcome of (Judge Handling) Wahl's cases ?

As to - JUDGE JOSEPH HATCHETT

Judge Hatchett is another of (Judge Handling) Wahl's Buddies, like Tjoflat a Member of the Jacksonville Bar with (Judge Handling) Wahl with a tremendous personal interest in the outcome because of the Black and White aspect of the State taking the Black womans property in the Barrow v Jack Reed Action 85-3362 Judge Hatchett's personal interest in the outcome of these cases is beyond questioning due to the fact

that the Barrow v Jack Reed case is couched upon the Tallahassee Area , in Hatchett's home town with Hatchett's own people who the State of Florida acted upon. Understanding that Judge Hatchett is not only a Buddy Buddy Blood Brother in Jacksonville Bar with Tjoflat and (Judge Handling) Wahl , Judge Hatchett is also a Buddy Buddy Blood Brother with Wahl in Phi Delta Phi.

To say nothing of Hatchett's enmity for Plaintiff Appellant because of the State taking the Close neighbor's house.

How could this Petitioner receive a Fair and just trial with these Odds ?

This cozy arrangementof personal interest in the outcome of Hodges " All of these cases" would not be so obvious if it were not for the Honorable Harold B (Judge Handling) Wahl's aworn affidavit. Mr (Judge Handling) Wahl swears under oath that he is to be repaid for " Handling

as to appeal to the eleventh Circuit"
on May 20, 1985, for 1.1 hrs . This
affair was ex parte.
Mr (Judge Handling) Wahl Swears to the
"allotication of time for Motions in the
Court of Appeals," August 2, 1985
See Page (w-19) (w-29) of Chapter (w.)
dated January 10, 1986, Morris Communi-
cations to Wahl and Gable followed by
2 hrs of calling to the Clerk by Wahl.
This was behind closed doors as to any
knowledge to this Petitioner.
On the same bill of this Affidavit State-
ment " Receipt of opinion from court of
appeals for the elevent circuit, Trip to
Court"
In this small number of the pages , here
inclosed, of the many,many pages of (Judge
Handling) Wahl's Affidavit and bills Mr
Wahl swears under oath to:
1) The handling with the Clerk of Federal

Court twenty (20) times See pages (w-7) through (w-32)

2) "Handling with the Magistrate" on pages (w-9) (w-20) (w-28)

3) "Telephone conferences and handling" Seven (7) times.

4) "Handling with Co-counsel" of other Barrow actions, twenty-two (22) times , unquestionably a conspiracy, See Pages (w-7) through (w-32).

5) Letters ex parte twenty-six (26) letters who to, and what was subject is a Black Curtain affair Page (w-7) through (w-32)

6) "Receipt of Opinion from Court of Appeals, for the elevent circuit , Trip to Court," Four (4) times.

7) "Advises from Court of Appeals 11th Circuit" See Pages (w-27) (w-20)

8) "Handling with Clerk of Court of Appeals" Two (2) times.

9) "Handling" ex parte Seventeen (17) times See (w-7) through (w-32)

10) "Order and letter Nine (9) exparte.

11) "Receipt of opinion from court of appeals, Trip to Court," Three (3) times ex parte.

12) "Allocation of time for motion in Court of Appeals " ex parte"

SEE: (w-19) (w-29)

13) "Handling letter and reply" Six (6) different occasions.

14) "Solicition of Clients" (w-14)

15) "Order from Judge and handling." What Order and what Judge handled with how much ?

16) Receipt of transcript on appeal to the eleventh circuit (w-24)

17) " Handling as to appeal to the eleventh Circuit" See (w-29)

18) " Judge's response" ( ex parte) and letter exparte See Page (w-21) Just what was the Judge responding to ? One's imagin-

ation does not have to run TOO WILD to realize that there was involved HANDLING OF THE JUDGE behind the Black Curtain.

Now, I ask you, how can we critize and make fun of the Russians and third world countries with their inhumanties when here in theUnited States our Fed.Judges insult our Constitution , inflict upon one of its own citizens, ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE DOLLARS in cruel and unjust tortue, to punish said citizen for seeking redress of grievances as provided by our constitution and in good faith, well grounded in law, and well grounded in fact, can it be said that the Supreme Court of these United States has no supervision of the lower courts ?

Can it be said that our Supreme Court is not neglent when allowing such corruption and denial of any due process of law, whatsoever to go on and on ?

What can be said to grab the attention of our Time Honored Supreme Court of these United States of America ?

This Petitioner has not a Prayer in either the District Court under the supervisory control of (Judge Handling) Wahl or the United States Court of Appeals under the Supervisory control of Gerald Bard Tjoflat, Buddy Buddy to his Jacksonville Bar Buddies, Wahl and Hatchett.

If ever there was a situation begging for plenary consideration of our time Honored Supreme Court, THIS IS IT !

This Honorable Court's attention is directed to the Judgment in the Civil Case in Chapter 3)

This page in the Court of records can be said to be no less than a Number of Filthy lies.

XX There has been no JURY VERDICT.
XX This action has NOT come before the Court for a trial by jury !
XX The issues have NOT been tried !

XX The jury has rendered NO verdict !
XX The decision of the court is couched upon H.E. Schlesinger's own say-so !
XX The issues have not been tried or heard. This Judgment is a dirty Fraud of the Federal Court.

The decision in the action styled on the front page is a Void Decision regardless of whether in the District Court under the supervision of (judge Handling) Wahl or the Court of Appeals under the supervision of Tjoflat and Hatchett as there has been No Due Process of law. SEE U.S.C.A. Const. Amend 5 and U.S.C.A. Const. Amend 7.

In addition thereto Petitioner invites this Honorable Court to avoid being mislead by the United States Court of Appeals.

This case has not been heard on the transcript. There has been absolutely no hearing had, on any issue . Since there is no hearing been had, on any issue how could there be a transcript and how could the U.S. Court of Appeals have heard this Case on any transcript, that does not exist and never has been in existance ?

j) * * REASONS RELIED ON
FOR THE ALLOWANCE OF THE WRIT

First of all, this Court does without doubt have jurisdiction. In addition to the jurisdiction spelled out in Section h.) this court also has jurisdiction to consider and decide this entire matter in Controversy pursuant to 28 U.S.C. S 1254 (3)

CREATION OF REMEDY

" In a case of actual controversy within its jurisdiction ecept with respect to Federal Taxes any court of the United States and the District Court for the Territory of Alaska, upon filing of an appropriate pleading may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such"

28 U.S.C.A S 2202

FURTHER RELIEF

" Further relief necessary or proper based on a declaratory judgment or decree may be granted after reasonable notice and hearing against any adverse party whose rights have been determined by such judgment"SEE also 28 U.S.C A. S 2106.

There are important reasons why this Court is called upon to exercise its Power of Supervision.

1) Ther are in the Complaint many Federal Questions that have not been decided at all, much less in conflict with applicable decisions of this Court.

One example, is the fact that; THERE HAS BEEN NO HEARING HAD which is repugnant to the Due Process Clause of our Constitution.

Another reason, is that this Victim of the Conspiring Defendantshas witnessed no protection of the law. Equal to that protection of the law afforded others, and is therefore repugnant to the Equal Protection clause of our Constitution.

A third reason, is that the Court of First Instance does ever so plainly state that; The defendants, " Counsel obtained results sought; dismissal of the case without any due process of law whatsoever.

It would be a catastrophe to send this

Petitioner back down to the bottom of the Hill to begin anew before the Schlesinger/ Hodges Mob. However, that the Complaints have been filed and are due an answer to each and every averment is how this action got off of the track / and can be resolved only by this court'sSupervisory Power to be invoked, so as to cause just that, a responsive pleading to each and every averment. One law for Athens and another law for Barrow will just not cut it. This brings on another Federal Question the Continuation of discrimination by the Federal Court.

SANCTIONS

The Court of First Instance as well as the 11th Circuit Court of Appeals have their mind in a Crazed condition for Sanctions against this Petitioner their Victim.

In Jones v Bales 58 F.R.D. 453 463 (N.D. 1972 aff'd 480 F 2d 805 (5th Cir 1973)

The 5th Circuit holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive, frivolous or malicious law suits. They " are immune from imposition of costs if they are un-successful' and because of their poverty, they are practically immune from later tort actions for 'malicious prosecution or abuse of process"

The infliction of ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS, of sanctions is not consistant with the (5th Cir) decision.

In Donaldson v Clark 786 F 2d 1570;

The 11th Circuit Holds:

" The court must abide by the due process requirements set forth in Rule 42 (b) of the Federal Rules of Criminal Procedure"

In that action Donaldson v Clark the 11th Circuit rules against Mr Howard being fined for sanctions of $500 yet, the 11th Circuit not only ruled in favor of Barrow being fined ONE HUNDRED THIRTY TWO, THOUSAND, THREE HUNDRED EIGHTY THREE . 38 /100th DOLLARS for sanctions, this 11th Circuit demands additional sanctions to be inflicted on this Petitioner, in addition to the ONE

HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS,

Now I ask you, does this seem to be Consistent with the 11th Circuits Rule in Donaldson v Clark 786 F 2d 1570(11th Cir. )

Continuing on in Donaldson v Clark quote:

" The defendant( of the sanction scam) shall be entitled to a trial by jury"

Now, turn to the docket sheet to assertain the date of this trial by Jury,

demanded in the Complaint . If ever there was a case and controversy begging for Plenary consideration this is it.

Then In Morrissey v Brewer, 92 S.Ct.@ 2605

The Supreme Court holds:

" Moreover in each case the decisionmaker must be impartial there must be some record of the proceedings and the decisonmaker's conclusions MUST BE SET FORTH IN WRITTEN FORM indicating the reasons relied upon and the evidence, becaue the Due Process Clause requires these proceedings"

Wherefore, I ask you, to refere to the Docket sheet to determine the date of some record

of the proceedings of the Action and the decisionmaker's conclusions in Written form indicating the evidence and what reason relied upon . It is Just not, - - - on the Docket sheet.

There has been no procedures, required by the Due Process Clause.

So you tell me why, is this not a departure from the accepted and usual Course of Judicial Proceedings ?

You tell me why this is not the denial of protection of the law, equal to that afforded others ?

In Padovant v Brachenusen 293 F 2d 546;

The United States Court of Appeals points out;

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome"

Under the federal rules a Plaintiff pleads facts, not law, and the law is to be supplied by the court. Federal Rules of Civil Procedure Rule 54 (c) 28 U.S.C.A.

Chapter k) S A N C T I O N S

Harold B (Judge Handling) Wahl without any question is the Godfather of the assessment of Sanctions P L O T in the twelve consolidated cases of the 16th day of October 1986, as well as Seven consolidated cases of assessment of sanctions P L O T of the 2nd day of June 1987.

Whal's Stock and Trade is not only that of the " Handling of Judges" but also of L Y I N G while under Oath.

As an example, Mr. ( Judge Handling) Wahl swears under oath the 2nd day of June, 1987 that in Barrow v Reed case, " That he prorated his charge for attotney's fees and costs equally between his five clients.

Plaintiff Barrow invites this Court to weigh the T R U T H of Mr (Judge Handling) Wahl's sworn testimony of the 2nd day of June 1987, by the following exhibits.

First, Plaintiff submitts an explanation of the indexing to the Masters Sheet of complication of Wahl's Attorney's fees and cost attached to his affidavit and motion to;

Associated Press , is number one.

Morris Communications ( St Augustine Record) is number two.

New York Times is number three

Midnight Globe is number four.

Florida Publishing Company is number five.

Mr ( Judge Handling) Wahl's Sheet "A" "B" and "C" marked in upper right corner are his account sheets which were attached to his motion and affidavits all scrambled together which requires a Philadelphia Lawyer to decipher. On the sheet attached to each of Mr ( Judge Handling) Wahl's bill is a legable account of the same. Each item numbered, item by item.

Therefore, the Master Sheets are a compilation of the billings to all of Wahl's

five clients in Barrow v Reed and are to be read as follows;

1) For Associated Press

("A" for Bill "A" dated April 29,1985

( The one parenthesis (1) is for item (1) on that April 29, 1985 bill. Therefore, 1-A (1)- 3 hours represents item one on Wahl's April 29 bill

See second sheet to same.

EXPLANATION OF MASTERS SHEETS RESULTS

Item 1 - Solicitation of prospective clients.

1-A (1) - .3 Hrs plus 1.6 Hrs = 1.9 Hrs charged to Associated Press.

2 A-(1) 2.3 Hrs charged to Morris Communications.

3-A-(1) -1.1 Hrs charged to New York Times.

4-A'(1) . 8 Hras charged to Midnight Globe.

5-A- NO HOURS charged to Florida Publishing Company.

Item 2.) Sanctions Total of 18.3 Hrs.

1-C-(5) Associated Press .9 Hrs

3-A-(5) - 3.2 Hrs

3-A-(9) -1.1 Hrs

3-C-(4) - .9 Hrs.

---

TOTAL 5.2 Hrs charged to N.Y. Times

.9 Hrs charged to Associated Pres

while New York Times is charged 5.2 Hrs is NOT a reasomable proration of the 1/5th to each Client.

Item 3.) Conference.

5.0 Hrs billed to Associated Press and not one dime charged to the other four clients is NOT 1/5th proration of the total.

Item 4.) Handling General;
Midnight Globe charged a total of 8.2 Hrs for handling general or, 8.2 X $150.00 = $1230 while charging Florida Publishing Company 3.6 Hrs or, 3.6 S $150.00 = $540.00, can $1230 be Mid-night Globe's 1/5th while $540.00 for Florida Publishing Company's one fifth ?

Item 5.) HANDLING CLERK OF FEDERAL COURT
Morris Communications was charged 2.2 Hrs or $330 while Florida Publishing Company was NOT charged ONE THIN DIME !

Item 6.) HANDLING WITH MAGISTRATE

For the handling with the Magistrate is charged not ONE THIN DIME to Associated Press, all others were charged for handling with the Magistrate.

Item 8.) CHIEF JUDGE HODGES ORDER

Morris Communications was charged $120 while Florida Publishing paid NOT ONE THIN DIME !

Item 10.) MANDATE

The Associated Press was charged $105 while Florida Publishing Company was charged NOT ONE THIN DIME !

Item 11.) AMENDED COMPLAINT

Morris Communications paid only $60 while Midnight Globe paid $285 for a Zerox copy of same.

No, Mr Wahl , there is no 1/5th proration . You gouged each of your clients for FIVE DUPLICATE copies of most of the same pleadings in the same one Barrow v Reed Case.

The same bills were presented to Plaintiff Barrow, only twice in the October 16th 1986 P L O T and again in the June 2nd P L O T.

Mr. (Judge Handling) Wahl has explained under oath that handling means " To pick Up" and " Set Down"

In State ex rel Bell v Phillips Petroleium Co 349 160 S.W. 2d 764, 769
The Court Holds:

" To handle is to control, or to buy and to sell"

All one and the same !

In Wells Fargo & Company v Lowery
197 S.W. 605 608,
The Court Holds:

" To handle is to manage or to operate"

Choose which ever you please !

You can be assured that Harold B (Judge handling) Wahl is not physically fit to;

a) Pick up the Judge or set him down.

b) Pick up the Magistrate Schlesinger, or set the Magistrate Schlesinger down

c) Pick up the Clerk of Federal Court or set the Clerk of the Federal Court down.

I, choose not to consider if this was done in parts, thereof.

I, am ever so confident that this would not even be concievably as related to the Magistrate, as his character is beyond question,therefore, this Plaintiff is forced to believe that Mr. (judge handling) Wahl unreasonable and ungodly bills of attorney's fees and costs as related to handling is better explained by Florida Ststute 877.01(4) which is the Bell v Phillips Petroleum Co. case above. To Buy and Sell. Whatever Mr (Judge Handling) Wahl is good at it, as he has handled the State Court Judges for 30 years, to my knowledge whether or not, they were handled in whole or in parts.

Mr. (Judge Handling) Wahl's sworn affidavits speak for themselves. Could be, Mr Wahl would like to prove that he can pick up the Magistrate or the Judge up and set them down or only parts ?

Mr Wahl has furnished proof of the false 1/5th apportionment of his charge, to five

clients. --- A whole book could be written relating to Harold B Wahl's lies however, the evidence of his fraudulent utterance speak for themselves. Wherefore, we await the decision of the Wahl/Hodges Court.

One comment must be added. That is that there does seem to be some decent and honorable persons in the profession that do not lie as good as Mr (Judge Handling) Wahl Mr ( Judge Handling) Wahl has had his fun. As best as can be determined by the pleadings, received by this Plaintiff all Heavy-Duty Attorneys would like to drop this SANCTIONS CAPER BY FORCE OF THE COURT. as it has already been runinto the ground and broken off.

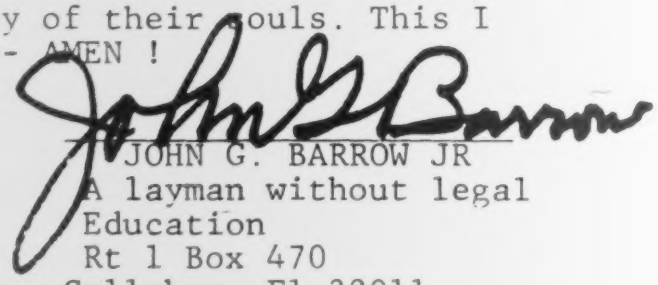
Could be, a word to the wise IS SUFFICIENT!

With all due respect to Mr (judge Handling) Wahl and his lies and his Wahl/Hodges Court co-conspirators the plot by force of this court any sanctions whatsoever is a postive act --- not a Negligent or inadvertent happening. IT IS A CRIME AGAINST JUSTICE.

and will remain so until that day that the issues, the facts and the law and questions of Plaintiff;s complaint have been answered and adjudicated in an open forum before a Competent Judge, thereby being submitted to a competent jury for their preponderance.

The law of the land makes this so.

God have mercy of their souls. This I Pray to God--- AMEN !



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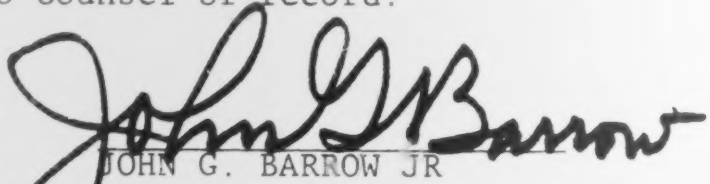
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

I CERTIFY this 10th day of June, 1987 that I did furnish a true copy of the foregoing to Counsel of record.



JOHN G. BARROW JR

In Jones v Bales, 58 F.R.D. 453 463 (N.D. Ga 1972) aff'd 480 F 2d 805 (5th Cir 1973) , the 5th Cir Holds:

"' Pro se litigants are not subject to the usual incentives against filing repetitive frivolous or malicious lawsuits. They are immuned from imposition of costa if they are unsuccessful and because of their poverty they are practically immune from

k-10.)

later tort actions for malicious prosecution or abuse of process"

In Donaldson v Clark 786 F 2d 1570 ( 11th Cir 1956) Holds:

" Where a criminal contempt proceeding is not a summary contempt proceeding under Fed. R. Crim. P 42(a) to punish conduct committed in the actual presence of the court, the court must abide by the due process requirements set forth in

Rule 42(b) of the Federal Rules of Criminal Procedure Rule 42(b) provides in part; A crimina contempt -- shall be prosecuted on notice. The notice shall state reasonable time for the preparation of the defense"

Compare Kleiner v First National Bank of Atlanta, 751 F 2d 1193(11th Cir 1985) ( prior to assessing fine against party, the court gave the party notice, of specific conduct subject to sanctions and two weeks later held a three day evidentiary hearing on the matter.
The District Court thus acted improperly in assessing the $500 fine against Mr Howard , Barrow $150,000.00.

Intent of District Court; See Chapter (e) -12- (8)

IN THE SUPREME COURT OF THE
UNITED STATES
WASHINGTON, D.C.

RECEIVED
MAR 13 1989
OFFICE OF THE CLERK
SUPREME COURT, U.S.

JOHN G. BARROW JR

Appellant-Petitioner

V U.S.C.A 88- 3282

N.G. LUND David Page Jr
As Agents for State of Florida

Defendants- Appellees

28 U.S.C. S 2403 (b) may be applicable
* * * * * * * * * * * * * * * * * *

MOTION FOR LEAVE TO AMEND

##################################

1) FEDERAL RULES OF CIVIL PROCEDURE

Rule 15.4

SUPPLEMENTAL RULES OF CIVIL PROCEDURE

and 1963 Amendment to Subdivision (d)

Subdivision (d) limits supplemental pleadings to its true office: the presentation of subsequent matter related to the claim or defense asserted on the original pleading 15.16(1) . This may even include the addition of new parties where subsequent facts make it necess-

ary and proper to do so. 15.16(1) Griffin v County School Board of Prince Edward County (1964) 377 US 218 227 84 S.Ct.1226 12 L ed2d 256 (" RULE 15(d) of the Federal Rules of Civil Procedure plainly permited supplemental amendments to cover events after suit, and it follows of course that persons participating in these new events may be added if necessary. Such Amendments are well within the basic aim of the rules to make a pleading. a means to achieve an orderly and fair administration of Justice"

2) Federal Rules of Civil Procedure Rule 15.5 Amendments to Be Freely Granted.
In Foreman v Davis, (1962) 371 US 182 83 S.Ct.227 9 L 222 The court citing TREATISE, reitered the pholosophy of Rule 15 that amendments of the pleadings ARE TO BE FREELY GRANTED, EVEN AFTER A COMPLAINT HAS BEEN DISMISSED.

This is a motion to vacate the Void decision and judgment of the court of first instance, because that the Docket Sheet will prove beyond a shadow of a doubt ;

a) That there was never a hearing on the issues had.

b) There was never a hearing on the merits had.No hearing on any issue.

c) There is no part of any of Petitioners complaint, that is not in good faith submitted and well grounded in law and well grounded in fact.

d) That there has been no hearing on the appropriateness of sanctions.

4) IN Foreman v Davis 83 S.Ct.227 Our Supreme Court of the United States Holds; Mr Justice Goldberg delivered the opinion pointing to;

a) "IT is too late in the day and entirely contrary to the spirit of the Federal Rules of Civil Procedure for decisions on the merits to be avoided on the basis such mere techinalities, " The Federal Rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive, to the outcome and accept the principle that the purpose of pleading is to facilitate the proper decision on the merits." Conley v Ginson, 355 US 41, 48, 78 S.Ct.99,103, 2 L Ed 2d 80.

b( The rules themselves provided that they are to be construed ' To secure the just speedy an inexpensive determination of every action" Rule 1

C) RULE (15 (a) Declares that leave to amend "shall be freely given,

when justice so requires" ; This mandate is to be heeded . See generally, 3, Moore , Fed. Practice ( 2ded 1948)15.08 , 15.10, If the underlined facts are circumstantial relied upon by a Plaintiff may be a proper subject of relief , he ought to be afforded an opportunity to test his claim on the merits.

d) "The leave sought should, as the Rules require , be given freely."

e) " The denial is not an exercise of discretion ; it is merely abuse of that discretion and inconsistent with the spirit of the Federal Rules".

The court erred by not including the State as a party. There has been no meaningful hearing had, on the issues in the District Court. It would have been determined that this action is a Case and Controversy demanding constitutional protection. to this Plaintiff-appellant-Petitioner, under the 14th Amendment because of illegal acts of State Agents injury to this Petitioner. CHECK THE DOCKET SHEET, for proof that NO HEARING HAS BEEN HAD, on the merits of this action. NO HEARING ON THE ISSUES.

Oral Argument imperative and requested.

L-6.)

Individually to Sandra Dale Connor Rule 43. This Plaintiff-Appellant-Petitioner moves to include the State of Florida as a party. In simple verbage, the injuries inflicted upon this Petitioner have been by Agents of the State of Florida under color of law, and are illegal acts and for this reason are reviewable pursuant to the protection of the law afforded by the 14th Amendment to our Constitution. As relief to the individual from illegal unconstitutional acts of the State. A copy of this Motion is delivered to the Attorney General State of Florida.

JOHN G. BARROW JR
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

I CERTIFY this 3rd day of March, 1989 that I did delever a true copy of the above to all Counsel of record.

JOHN G. BARROW JR

CC: to District Court; 11th Cir Court of Appeals.

## CHAPTER m) IN RETROSPECT JUST WHAT IS THE PROBLEM ?

This might be better understood by an unrelated happening of a few weeks ago.

1) I was driving my Auto on a parking lot at the post office.

2) Another Vechile driven by the son of the Mayor of Callahan, shot out in front of me like that of a Bullet. I had hit the other Vechile before I had even seen it. I had absolutely no chance to apply my brakes.

3) The Officer investigating the accident works for the little Town of Callahan.Obviously, the Mayor of Callahan's Son could not be negligent, wherefore I was charged with failing to Yield the right of way.

4) The case was heard with no jury.

5)I pleaded " the law gave the right-of-way to no one" That is I should have stopped and likewise the Mayor's Son should have stopped.

6) The attached letter next page explains the Findings.

" Law gives the Right -of-way to no one"

However, this does not apply to the Mayor's Son.

m-2.)

THE COUNTY JUDGE'S COURT

NASSAU COUNTY

Fernandina Beach, Florida 32034

March 9, 1989

Mr John Guy Barrow
Route 1 Box 470
Callahan, Florida 32011

Dear Mr Barrow:

I am sorry not to get back to you sooner, but I have finally had the opportunity to view the acene of the accident first hand.

You are correct that the law gives the right-of-way to no one. But it does say who must yield the right-of-way.

After viewing the scene it is my opinion that you did violate the right-of-way of the other driver. I know it was not done intentionally, as no one looks for an accident, but nonetheless it happened.

It is my finding that you are guilty as charged. The penalty is $52.00. You now have 3 options. You may pay the fine within 30 days; you may attend the defensive driving school and have any points withheld; within 30 days; or you may appeal my decision to the Circuit Court within 10 days.

Sincerely

/s/ Robert E Williams
County Judge

REW/fdr

But (the law does not mean a Damn Thing!)

This is just the point with Hodges, " ALL OF THESE CASES" .(The law does not mean a Damn Thing !)

(i) U.S.C.A. Const. Amend 7

" The denial of a right of jury trial after demand in federal court is an un-constitutional abuse of power in absence of waiver" ( This law does not mean a damn thing !)

(ii) " A federal court judgment whether in a civil case or a criminal Case that is reached without due process of law is VOID" ( This law does not mean a Damn thing !

(iii) In Morrissey v Brewer 92 S.Ct. @ 2605;

The Supreme Court Holds:

" Moreover in each case the decisionmaker must be impartial there must be some record of the proceedings and the decisionmaker's conclusions MUST BE SET FORTH IN WRITTEN FORM, indicating both the evidence and the reasons relied upon, because of the Due Process Clause requires these procedures"

(THIS LAW DOES NOT MEAN A DAMN THING !)

(iV 55.3 Default Judgment by the court"

If a party has not put in an appearance the court must enter judgment by default - In order to constitute an appearance, however defendant's actions must at least be responsive to plaintiff's formal court action" Beaz v Kresge 96 S.Ct,1495 47 L 2d 745.

m-4.)

( This law does not mean a Damn Thing !)

vi) Federal Rules of Civil Procedure Rule 7 (a) Mandates: there shall be a COMPLAINT AND AN ANSWER. To this date there has been no answer from any defendant. whereupon, the Clerk of the Court at the end of 20 days should have entered default of the variuos defendants"

(This law does not mean a Damn thing !)

(vi) FEDERAL RULES OF CIVIL PROCEDURE RULE 8

b) Defenses Form of Denials:
" A party shall state in short and plain terms his defenses to each claim asserted and shall ADMIT or DENY the averments upon which the adverse party relies"

(This law does not mean a Damn Thing !

(vii) Effect of failure to deny:
" Averments in a pleading to which a responsive pleading is required other than those as to, amount of damage are admitted WHEN NOT DENIED, in the responsive pleading"

(This law does not mean a Damn Thing!)

(viii) In Padovant v Bracheneusen 293 F 2d 546;

The United States Appeals Court Points Out:

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burden-some"

Under the Federal Rules a plaintiff pleads facts not law, and the law is to be applied by the court" Fed. R Civ- P. Rule 54 (c) 28 U.S.C.A.

Are the Federal Rules in error ? Is the Court of Appeals in error ?

The Summary Judgment Procedure is not " A catch penny contrivance" See Whiaker v Colemen (CCA 5th 1940) 115 F 2d 305 § 56.15 (1.05) operating to deprive a litigant of, nor is it a substitute for a LIVE TRIAL WHEN THERE IS ANY GENUINE ISSUE or MATERIAL FACT TO BE TRIED.

There are many, genuine issues of material facts to be tried..

(This law does not mean a Damn Thing !)

Article 1 Section 25 provides:

" The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay"

( This law does not mean a Damn thing !)

In Jones v Bales 58 F.R.D. 453 465;

(ND Ga 1972) aff'd 480 F 2d 805 (5th Cir 1973)

The 5th Cir holds:

" pro se litigants are not subject to the usual incentives against filing repetative frivolous or malicious lawsuits They "are immune from imposition of costs if they are unsuccessful; and because of their poverty, they are practically immune from later tort actions for malicious prosecution or abuse of process"

(This law does not mean a Damn Thing !

13) In Louisiana v Junel 107 US 711 719 720 723 727 728 .
In Haygood v Southern 117 US 52 67 et seq
In re Ayers 123 US 443 492
In Pennoyer v McConnaughty 140 US 1, 10 et seq
In Smith v Reeves 178 US 436 440
In Murry v Wilson Distilling Co 218 US 151 168 170
In Lankford v Patta Iron Works Co 235 US 461 469
In Ex parte N.Y. 256 US 500
Also 41 S.Ct.588;

In Dorachay v National Mutual Ins Co 246 F 2221

" It seems to us that the district Court overlooked our liberal rule of Federal practice under which the complaint is not to be dismissed because of plaintiff lawyer has misconceived the proper legal theory of the claim, but is sufficient if it shows that the plaintiff is entitled to ANY RELIEF which the court can grant regardless of whether it asks for the proper relief. 28 U.S.C.A § 2201

(This law does not mean a Damn thing !)

In Occidential Petroleum Corp v Chandler 10 Cir 303 F 2d Cert den 372 US 915 83 S.Ct.718 9 L Ed 2d 722 reh den 373 US 906 83 S Ct.1288 10 L Ed 2d 201

The Court Holds

" The jurisdiction of this court to take action to guarantee a fair and impart ial trial is no longer open to question upon an adequate showing this court has held that it has the " power and inescapable duty" whether under the All Writs Statute 28 U.S.C. § 1651 or under its inherent powers of appellate jurisdiction " to effectuate what seems to be manifest ends of justice"

NOW I ASK YOU, DOES THIS LAW MEAN ANYTHING?

Contrariwise, is all that matters is that of the intent of Hodges, Tjoflat Hatchett and Johnson to wit:

> Defendants " Counsel obtained results sought; ( by the court and their co-conspirators) dismissal of the cases (plural) prior to trial and relief from immediate Harassment of the suit "

W H Y ? IS

ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE DOLLARS.

In the splitting of the Spoils not stamped Un-ethical or un-conscionable and does come close to describing this corruption.

None of these Judges posess even a Twing of conscience !

This action is a WAR that has been declared by the Federal Courts upon this their, Victim.

This Petitioner is a Man without a Country. Should this Supreme Court of these United States not invoke the All Writs Statute 28 U.S.C. § 1651 then in that event, there is absolutely no relief to be had for this entire Maze of Grievances. This Curse, This Bill of Attainder, inflicted upon this Petitioner rapes the rest of this Petitioner's natural life and that of his family.

Judge Hodges, Judge Tjoflat, Judge Hatchett and Judge Johnson, cannot read or can they have any respect for Case Law or Statutory law, or our Constitution of these United States. Is our Constitution of these United States really dead ?

Khadafy, only Kidnaps his Victim. The U.S. Fed Court Maims their Victim for life with sanctions $132,383.38 plus.

Is there any way for any reasonable thinking and reading community to conceive of any Judge alleging that he is competent and impartial while effervescing with so much rath, infection, abomination, vengence,odium and enmity,as to inflict ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE DOLLARS on a defenseless pro se person with no legal education and can you believe that any 11th Circuit Judge is without personal interest in the splitting of the ONE HUNDRED THIRTY TWO THOUSAND EIGHTY THREE DOLLARS when like that of ( Judge handling) Wahl's Jacksonville Bar Brothers Tjoflat and Hatchett levy still more cruel and unjust punishment on this same Victim of the Federal Court and for what ? I ask you ? Only for asking for Redress of Grievances. Not exactly the American Dream.

n-2.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRIC T OF FLORIDA
Jacksonville Division

Filed Nov 4 5:59 PM '88

JUDGMENT IN A CIVIL CASE

JOHN G. BARROW JR

Plaintiff,

V CASE NO 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This action acme before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict:

X Decision by Court: This action came before the court for trial or hearing . The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against Plaintiff JOHN G BARROW JR and for Defendants JACK REED and TALLAHASSE DEMOCRAT in the amount of $6,068.19

November 4, 1988 Donald Cinnmond
Date Clerk

/s/ Mary Francis Kenally
Copies to Counsel of record

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Nov 4 5:59 PM '88

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO 982-Civ-J-10

JACK REED etal

Defendants

Jury Verdict: This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against the plaintiff JOHN G BARROW JR and for Defendants GAINESVILLE SUN, FERNANDINA BEACH NEWS LEADER and SARASOTA HERALD TRIBUNE, in the amount of $5,070.73.

November 4, 1988 Donald Cinnmond
Date Clerk

/s/ Mary Francis Kennelly
Deputy Clerk

Copies to counsel of record

n-4. )

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed May 11 4:57 PM '88
Clerk Dist Court
Jacksonville Division

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-1191-Civ-J-10

Harold B Wahl Lawrence Page Haddock and Henry F Martin

Defendants.

JURY VERDICT: This action came to trial by jury before this Count. The issues have beed tried and the jury has rendered its verdict.

X DEcision by court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

Pursuant to the Court¦s order May 10, 1988 Final Judgment is entered against the Plaintiff, John G Barrow Jr and in favor of Defendant Harold B Wahl in the amount of $4,813.00

May 11, 1988
Date

Donald Cinnmond
Clerk

/s/ Marsha Campbell
Deputy Clerk

CC Counsel of record

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed June 3, 3;%0 PM '88
Clerk of Dist Court
Jacksonville, Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-589-Civ-J-10

JAMES HARRISON et al

Defendants

Jury Verdict: This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

that pursuant to the Court's order May 10, 1988 Final Judgment is entered against Plaintiff, John G Barrow Jr and in favor of the defendants Cook, Mastroianni, and Channell 12 WTLV in the amount of $5,384.83

CC: To
John Barrow Jr June 3,1988 Donald Cinnamond
Jason Vail /s/ Sandra Cain
Marshall Wood Deputy Clerk
Harold Wahl

n-6.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed Nov. 4 5:59 PM '88

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-982-Civ-J-10

JACK REED et al

Defendants

JURY VERDICT: This action came before the court for trial,by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered by the court.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against JOHN G BARROW JR and for Defendant ASSOCIATED PRESS in the amount of $4,135.51

Novemver 4 1988 Donald Cinnmond
Date Clerk

/s/ Mary Francis Kennilly
Deputy Clerk

Copies to Counsel
of record

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed Nov 4 5:59 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR
Plaintiff

V CASE NO. 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This action came before the court for trial by jury. The issues have been tried and the jury has rendered ots verdict.

X Decision by court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against the Plaintiff John G Barrow Jr and For Defendants MIDNIGHT GLOBE in the amount of $3,482.49

November 4 1988
Date

Donald Cinnamond
Clerk

/s/ Mary Francis Kinnilly

n-8.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Florida Div.

Filed Nov. 4 5:59 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This cation came before the court for a jury trial. The issues have been tried and the jury has rendered its verdict.

X Decision by court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been renderd.

IT IS ORDERED AND ADJUDGED that FINAL JUDGMENT is entered against the plaintiff JOHN G BARROW JR and for Defendants FLORIDA PUBLISHING COMPANY in the amount of $4,212.00

November 4, 1988 Domald Cinnmomd
Date Clerk

/s/ Mary Francis Kennilly
Deputh Clerk

Copies to Counsel of record

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

Filed May 11, 4:47 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G. BARROW JR

Plaintiff

V CASE NO 84-1191-Civ-J-10

Harold B Wahl, Lawrence Page Haddock and Henry F Martin

Defendants

Jury Verdict: This action came before the court for trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This cation came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED.

Pursuant to the Court's order May 10, 1988 Final Judgment is entered against John G Barrow Jr and in favoe of defendants Lawrence Page Haddock and Henry F Martin in the amount of $3,332.00.

May 11, 1988
Date

Donald Cinnamond
Clerk

/s/ Marsha Campbell
Deputy Clerk

CC Counsel of record

n-10.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Nov 4 5:59 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V CASE NO. 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This action came before. the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that FINAL JUDGMENT is entered against JOHN G BARROW JR and for Defendants ST AUGUSTINE RECORD in the amount of $3,237.71

November 4, 1988 Donald Cinnmond
Date Clerk

/s/ Mary Francis Kennely

n-11.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE EIVISION

Filed Nov. 4 5; 9 PM '88
Clerk Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

v CASE NO. 84-982-Civ-J-10

JACK REED et al,

Defendants

Jury Verdict: This action came before the court for a trial by jury. The issues have been and the jury has rendered its verdict.

X Decision by Court: This action came to trial or hearing before the Court. The issue have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED: that Final Judgment is entered against JOHN G BARROW JR Plaintiff, and for Defendant BEN C WILLIS in the amount of $1,657.50

November 4, 1988 Donald Cinnamond
Date Clerk

Copies to Counsel of record

/s/ Mary Francis Kennilly
Deputy clerk

n-12.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
Jacksonville Division

Filed Nov 4 5:59 PM '88
Clerk US Dist Court
Jacksonville Florida

JUDGMENT IN A CIVIL CASE

JOHN G BARROW JR

Plaintiff

V Case No 84-982-Civ-J-10

JACK REED et al

Defendants

Jury Verdict: This action came before the court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by court: This action came to trial or hearing before the Court The issues have been tried or heard and a decision has been renderd.

IT IS ORDERED AND ADJUDGED: that Final judgment is entered against the Plaintiff John G Barrow Jr and in favor of all other defendants.

November 4,1988
Date

Donald Connmomd
Clerk

CC: Counsel of record

/s/ Mary Francis Kinnally
Deputy Clerk

w-1.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JOHN G. BARROW JR

Plaintiff,

v Case No. 84-104-Civ-J-10

AMERICAN TELEPHONE AND
TELEGRAPH COMPANY et al

Defendants

_____/

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF DUVAL

Before the subscriber personally appeared HAROLD B WAHL who first being duly sworn deposes and says that he has been admitted to practice law since 1932 in all State and Federal Courts in Florida and the Supreme Court of the United States since 1936.

He has handled the case of John G Barrow Jr v American Telephone and Telegraph

w-2.)

April 29, 1985

The New York Times Company
Legal Department
229 West 43 Street
New York, New York 10036

TO:

Wahl and Gabel P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

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PROFESSIONSL SERVICES: to date in case of John G Barrow Jr v Jack Reed et al, Case No 84-982-Civ-J-12, United States District Court, Middle District of Florida, including September 20-21 1984; call from Thurm, New York Times Company, draft of Motions Wahl -1.1 hrs; September 24, 1984, receipt and study of file, putting motions in final form (Wahl) -1.5 hrs; October 1, 1984, call from Thurn, handling with Barrow (Wahl) - 3 hrs; October 2-4 1984 preparation of motions on interrogatories ( Gainesville Sun and Fedrnandina News Leader and letter (Wahl) -1.6 hrs; October 9, 1984, papers delivered by Barrow,preparation of motions to dismiss and for sanctions etc. (Wahl) 3.2 hres; October 11, 1984, receipt of interrogatories ( Sarasota Herald Tribune study, and letter (Wahl) -1.1 hrs; October 16, 1984, receipt and review of letter from Ms Namke and reply (Wahl) .9 hrs; October 22, 1984, letter from Thrum and reply (Wahl) .6 hrs; November 1, 1984, motion for sanctions and protective order (Wahl) 1.1 hrs; November 6, 1984, receipt of Barrow's motion and letter 1.1 hrs ; November 16, 1984, letter from Thurm and reply Wahl) .7 hrs;

letter from co-counsel handling . study of papers and reply, (Wahl) -2.6 hrs;

Januray 29,1985 letter and handling Wahl) .5 hrs; February 18, 1985, recusal of Judge Melton Howell handling and letter (Wahl) .4 hrs; April 6,1985. receipt of Order of Chief Judge Hodges , entered April 5, 1985, enjoining Barrow handling and letter of April 10, 1985, (Wahl) .6 Hrs

$2,670.00

w-4.)

January 13, 1986

The New York Times Company
Legal Department
229 West 43 Street
New York, New York 10036

TO:

WAHL & GABEL P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONSL SERVICES: to date for Gainesvill Sun Publishing Co. Fernandina Beach News Leader, and Sarasota Herald Tribune, since our statement of April 29 1985, in Case of John G Barrow Jr v Jack Reed et al, Case No. 84-982-Civ-J-12, United States District Court Middle District of Florida including May 9-17 notice of appeal, handling with Clerk letter . .8 hrs); Wahl; May 20, 1985, allocation of hearing before Magistrate ,report preparation of motion, 2.2hrs -Wahl; July 23-24, 1985 receipt of Barrow's brief preparation of motion letter 2.5 hrs Wahl; August 2, 1985 handling with counsel letter .5 hrs Wahl; August 8, 1985 handling with Thurm letter .3 hrs;Wahl; October 4, 1985 order and letter .5 hrs Wahl; October 4, 1985 handling with clerk and letter .4 hrs (Wahl; October 14, 1985 handling with clerk and letter .3 hrs Wahl) October 23, 1985 letter .3 hrs Wahl) January 6, 1986 receipt of opinion from Court of Appeals, trip to court study preliminary work on motion 1.6 hrs Wahl) January 7, 1986 preparation of motion 1.1 hrs Wahl) January 8, 1986 completion of motion filing and letter .7 hrs Wahl)

$1,695.00

October 16, 1986

The New York Times Company
Legal Department
229 43 Street
New York,New York 10036

TO:

Wahl & Gabel P.A.
920 Barnett Bank Building
Jacksonvile,Florida 32202

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FOR PROFESSIONAL SERVICES: since January 13, 1986 for Gainesville Sun Publishing Company, Fernandina Beach News Leader and Sarasota Herald Tribune in Case No 84-982-Civ-J-12, John G Barrow J v Jack Reed et al United States District Court Middle District of Florida Jacksonville Division including;

January 27, 1986, advises as to status .3 hrs- Wahl) February 3, 1986 receipt of mandate; handling with clerk and receipt from Barrow of Motion for recusal .4 hrs- Wahl) February 19, 1986, receipt of Barrow's application for an extraordinary Writ Under Tiele V; handling with Clerk office and report .5 hrs Wahl) March 6, 1986 Receipt of Barrow's Affidavit in support of motion for recusal and order from clerk ,5 hrs Wahl) May 13, 1986 receipt of amended Complaint and order permitting same, preparation and filing motion to dismiss and for samctions.9 hrs- Wahl) June 2, 1986 receipt of Barrow's response to motions and report . 5 hrs Wahl) September 1,, 1986 receipt of Barrow's motion of protest, notice of appealfrom clerk of court of appeals and handling with Magistrates office . 5 hrs Wahl)

w-6 .)

April 29, 1985

MORRIS COMMUNICATIONS CORPORATION
P.O. BOX 936
Augusta, Georgia 30913

TO:

WAHL & GABEL P.A.
920 Barnett Bank Duilding
Jacksonville, Florida 32202

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PROFESSIONAL SERVICES to date for the St Augustine Record in case of John G Barrow Jr v Jack Reed et al, Case No 84-982-Civ-J-12; United States District Court, Middle District of Florida including September 28, 1984, call from Simon letters, preparatin of motions to dismiss et al and sanctions Wahl) 2.3 hrs October 31, 1984 handling and letter to Employars Reinsurance Corp. motion for sanctions (Wahl) 1.2 hrs; November 5, 1984, Barrow's motion and letter; Wahl) .4 hrs; November 19, 1984, handling with Employers Reinsurance Corp. as to coverage (Wahl.5 hrs. November 30, 1984, letters from Hudson and EmployersReinsurance Corp. study and report (Wahl) . 9 hrs December 11, 1984, receipt of protective Order letters and handling (Wahl) .8 hrs correspondence with Hudsonand Employers Reinsiuance Corporation dated December 20, 1984 (Wahl) .5 hrs December 26, 1984 handling with cocounsel and letter (Wahl .5 hrs ; January 29 1985, handling with co-counsel and letter (Wahl . 4 hrs April 10, 1985, receipt of order from Chief Judge Hodges enjoining Barrow and report

January 10, 1986

Morris Communications Corporation
P.O. Box 936
Agusta, Georgia 30919

TO:

WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES: to date for the ST Augustine Record since our statement of April 29 1985, in case of John G. Barrow Jr v Jack Reed et al, Case No 84-982-Civ-J-12, United States District Court Middle District of Florida, including May 9-10, 1985, handling as to appeal to the Eleventh Circuit 1.1 hrs (Wahl May 10, 1985 allocation of time on Magistrate's hearing and report 1.1 hrs Wahl) July 23-24 1985, allocation of time for motions in Court of Appeals calls to clerk 2.0 hrs Wahl) August 2, 1985, handling with clerk and letter reply, .9 hrs Wahl) August 5, 1985, handling letter and reply .5 hrs.Wahl) October 4, 1985, handling with clerk and letter, .3 hrs (Wahl) October 16, 1985 order and letter .3 hrs (Wahl) November 11, 1985, handling with clerk and letter . 3 hrs (Wahl) January 6, 1986 receipt of opinion from court of appeals for the Eleventh Circuit trip to Court study 1.4 hrs Wahl) January 7, 1986 preparation of motion .3 hrs Wahl) January 8,1986 letter completion of motion and filing .4 hrs Wahl)

w-8 .)

LAW OFFICE OF

WAHL AND GABLE

OCTOBER 16, 1986

Morris Communications Corporation

P.O. Box 936

Augusta, Georgia 30913

TO:

Wahl and Gable
920 Barnett Bank Building
Jacksonville, Florida 32201

FOR PROFESSIONAL SERVICES: Since January 10, 1986, for the St Augustine Record in case of John G Barrow Jr v Jack Reed et al, Case No 982-Civ-J-12 United States District Court Middle District of Florida Jacksonville, Division. including ;

February 3, 1986 receipt of mandate and motion from Barrow, handling with client .4 hrs Wahl) February 19, 1986, receipt of various pleadings and affidavit filed by Barrow,Barrow's application for an extraordinary Wtit Under Title V and handling with clerk .6 hrs Wahl) March 6, 1986 receipt of papers in support of Barrow's Motion for recusal of Judge Hodges and

Order from court denying Barrow's various Motions and handling .4 hr (Wahl) May 13, 1986 letter to client advising receipt of Amended Complaint, leave to File Amended Complaint and Motion to Dismiss and for sanctions and handling .4 hrs (Wahl) June 2, 19856 handling with client and Barrow's response to Motions to Amended Complaint .4 hrs Wahl) September 11, 1986, receipt of Barrow's Motion of protest and advises as to appeal and handling with Magistrate's office. .5 hrs Wahl.

$405.00

DISBURSEMENTS:

Photocopies $68.50

w-10.)

April 29, 1985

ROGERS & WELLS
200 Park Avenue
New York, New York 10166

TO:

WAHL AND GABLE
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES to date for Associated Press in Case of John G Barrow Jr v Jack Reed et al. Case no 84-982-Civ-J-12 United States District Court, Middle District of Florida, including June 29, 1984 call on representing the Associated Press, contact Wahl),Woodlief .3 hrs, June 30 1984, conference and handl - ing Woodlief -1.6 hrs October 10 1984 work on motion Woodlief . 5 hrs October 30, 1984 conference preparation of Mot-ions and letter (Wahl 2.1 Hrs, November 7, 1985 Barrow's motion to deny attorney's handling and letter (Wahl 1.2 hrs- Decem-ber 11, 1984 handling and report Whal) 9.hrs December 26, 1984 receipt of order and handling with Woodlief (Wahl - .9 hrs January 16, 1984 conference with Ms Hart and letter Woodlief .3 hrs Janusry 29, 1985, letter and handling (wahl .3 hrs February 18, 1985 order from judge handl-ing and report Wahl .5 hrs April 10,1985 receipt of Order from Chief Judge Hodges enjoining Barrow and letter (Wahl .7 hrs.

$1,179.00

DISBURSEMENTS

w-11.)

January 13, 1986

ROGERS & WEELS
200 Park St
New York, New York 10166

TO:

WAHL AND GABLE
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES: to date for Associated Press since our statement of April 19, 1985 in Case of John G Barrow Jr v Jack Reed et al, Case No 84-932-Civ-12, United States District Court, Middle District of Florida including May 9, 1985, receipt of appeal and letter .5 hrs Wahl) May 17, 1985 handling with clerk .5 hrs (Wahl) July 24, 1985 receipt of Barrow's Brief perparation and filing of motion 2.2 hrs (Wahl; August 2, 1985 handling with counsel letter .4 hrs (Wahl; August 8, 1985 receipt of Barrow's reply study letter 1.2 hrs Wahl; August 16, 1985 order and letter .5 hrs Wahl) October 4, 1985, handling with clerk letter .5 hrs Wahl) October 23, 1985 letter .3 hrs Wahl) November 14, 1985 handling with clerk letter .4 hrs Wahl) January 6, 1986, receipt of opinion from court of Appeals study trip to court , preliminary work on motion 1.4 hrs Wahl) January 7, 1986, preparation of motion .9 hrs Wahl)

w-12.)

April 29 1985

Rogers & Wells

200 Park Street

New York, New York 10156

TO:

WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: to date for Associated Press in case of John G Barrow Jr v Jack Reed et al, Case No. 84-982-Civ-J-12 United States District Court Middle District of Florida including June 29, 1984, call on representing the Associated Press, contact Wahl Woodlief) .3 hrsJune 30, 1984 Conference and handling (Wooflief) 1.6 hrs October 17, 1984 work on motions (Woodlief) .5 hrs; October 30,1984, conference preparation of motions and letter Wahl) 2.1 hrs; November 7, 1985 Barrow's motion to deny attorney's fees handling and letter (Wahl 1.2 hrs; December 11, 1984, handling and report (Wahl .9 hrs December 24, 1984, receipt of order and handling with Woodlief (Wahl) .9 hrs January 16, 1984, conference with Ms Hart and letter (Woodlief) .3 hrs January 29, 1985 letter and handling (Wahl .3 hrs February 18, 1985 order from judge, handling, and report (Wahl) .5 hrs April 10,1985, receipt of order from Chief Judge Hodges enjoining Barrow and letter (Wahl .7 hrs

$1,179.00

October 16, 1986

Associated Press
% Rogers & Wells
200 Park Street P.A.
New York, New York 10166

TO:

WAHL & GABLE P.A
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SRVICES: from January 13, 1986 to date in case of John G Barrow Jr v Jack Reed et al, Case No. 84-982-Civ-J-12 United States District Court Middle District of Florida Jacksonville, Division, including January 13,1986, handling with Messers Winfield and Wilkins .4 hrs (Wahl) February 3, 1986 advises as to pleadings received from Barrow, and report of mandate from court of Appeals .7 hrs (Wahl) February 19, 1986 receipt of various papers including Application for an extraordinary Writ Under Title V and Handling with clerk's office .7 hrs (Wahl) March 6 1986 receipt of Barrow's Motion for Recusal and Order denying Motion to file Amended Complaint .3 hrs Wahl) May 13, 1986, receipt and forwarding to Client of Amended Complaint and filing motion to Dismiss Amended Complaint and for sanctions .9 hrs, (Wahl) June 2, 1986, Barrow's response to Motion to Amended Complaint and letter .5 hrs (Wahl) September 11, 1986 receipt of Motion of protest from Barrow and letter from clerk .3 hrs WahL)

$570.00

DISBURSEMENTS:
Photocopies $23.75

w-14.)

April 26, 1985

Deutsch Levy & Engle
33 North LaSalle Street
Chicago, Illinois 60602

TO:

WAHL AND GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

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PROFESSIONAL SERVICES for Midnight Globe in case of John G Barrow jr v Jack Reed et al, Case No 84-982-Civ-J-12 United States District Court Middle District of Florida including October 31, 1984 two calls from Chicago and handling Wahl) .8 hrs, November 1,1984, receipt of papers , preparation of motion to dismiss for attorney's fees and motion for protective order and sanctions, letter Wahl) 2.2 hrs; November 21, 1984 receipt of Barrow's motion to deny handling and letter Wahl) .9 hrs December 5, 1984, order and letter (Wahl) .5 hrs December 13, 1984 order and letter (Wahl) .5 hrs December 13, 1984, order and letter Wahl) .5 hrs December 14, 1984 letter Wahl) .3 hrs December 18, 1984 motion and letter Wahl) .4hrs, February 18, 1984 ,1985 letter and report Wahl) .3 hrs April 10, 1985 receipt of Order from Chief Judge Hodges enjoining Barrow (Wahl) .5 hrs.

$1,035.00

DISBURSEMENTS:
Photocopies $13.50
TOTAL FEE AND DISBURSEMENTS DUE $1.048.50

January 10, 1986

Deutach, Levy & Engle
33 North LaSalle Street
Chicago, Illinios 60602

TO:

WAHL AND GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

PROFESSIONAL SERVICES: to date for Midnight Globe since our statement of April 26, 1985, in case of John G. Barrow Jr v Jack Reed et al, Case No 84-982-Civ-J-12 United States District Court, Middle District of Florida, including May 9, 1985 notice of appeal to the Eleventh Circuit and letter 1.2 hrs Wahl) May 10-17 1985 letters to clerk and handling .4 hrs Wahl) May 20, 1985, allocation of time for hearing and report 2.0 hrs, Wahl) July 24,1985 receipt of Barrow's appeal brief handling and letters 2.3 hrs Wahl) August 2, 1985 letter and handling with counsel, .9 hrs Wahl) August 8, 1985, letter and handling with counsel .5 hrs Wahl) August 16, 1985, order and letter .3 hrs Wahl) October 4 1985 handling with clerk and letter ,4 hrs Wahl) October 23, 1985 .3 hrs Wahl) November 14, 1085 handling with clerk and letter .4 hrs Wahl) January 6, 1986 receipt of opinion from court of appeals study trip to court preliminary work on motion .1.4 hrs Wahl) January 7, 1985 preparation of motion .9 hrs Wahl) January 8, 1986 compl=etion of motion and filing receipt of date from Barrow .7 hrs Wahl)

$1,755.00

w-16.)

October 16, 1986

Midnight Globe
Deutsch, Levy & Engle
33 North LaSalle Street
Chicago, Illinois 60602

TO:

WAHL AND GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES since January 10, 1986 for Midnight Globe in case of John G Barrow Jr v Jack Reed et. al, Case No 84-982-Civ-J-12 United States District Court Middle District of Florida, Jacksonville Division, including;

February 3, 1986,receipt of mandate from court of appeals handling with clerk receipt of motion to recuse Judge Hodges from Barrow, and handling .4 hrs, Wahl) February 19, 1986 receipt of Barrow's application for an Extraordinary Writ Under Title V handling with clerk's office .4 hres Wahl) March 6, 1986, receipt of Affidavit in Support of Recusal and order from Magistrate and handling .4 hrs Wahl) May 8 1986, receipt of Amended Complaint and order Granting Leave to Amend Complaint preparing and filing Motion to Dismiss and for sanctions .9 hrs Wahl) 1.0 hrs McDonald May 13, 1986 letter to Kahane .3 hrs Wahl) May 22, 1986 letter to Kahane, .2 hrs Wahl) May 28, 1986 Barrow's latest response and handling with Lahane .4 hrs Wahl) September 11, 1986 receipt of Barrow's motion of protest advices from court of appeals as to notice of appeal by Barrow and handling with the Magistrate.

31 1984, preparation of motion for sanctions and protective order and letter Wahl) 1.8 hrs November 5, 1984 receipt of order from Magistrate and letter Wahl) 1.1 hrs November 5, 1984 handling with Funk Motion for attorney's fees Wahl) 1.2 hrs; November 6, 1984; receipt of amended complaint and preparation of motion Wahl) -2.2 hrs November 26, 1984, receipt of Barrow's motions and Magistrate's order staying discovery and letter Wahl)- 1.0 hrs November 27, 1984 served by process server and letter (Wahl) .9 hrs' December 20, 1984 receipt of papers and letter Wahl) .9 hrs December 27, 1984 letter Wahl .4hrs; January 2, 1985 receipt of plaintiff's response and letter(Wahl) .7hrs; January 15, 1985, Barrow's motion to disqualify government counsel handling and letter Wahl .7hrs; January 21, 1985, Judge's response and letter Wahl) .7hrs February 18, 1985 order of recusal and letter Wahl) . 8hrs; February 28, 1985 order allowing amendment by Barrow Wahl) .6hrs March 6, 1985 receipt of amended complaint study, preparation of motion and letter Wahl) 2.6 hrs March 13, 1985 Barrow's response and letter Wahl) .8hrs; March 15, 1885; Correspondance Wahl) .3hrs April 10,1985, order from court enjoining actions by Barrow handling and letter Wahl .5 hrs.

$4,285.00

DISBURSEMENTS

| | |
|---|---|
| Photocopies | $85.75 |
| Long distance calls | 25.31 |
| Extra postage | 1.60 |
| TOTAL | $1 12.66 |

w-18.)

April 26 1985

Television 12 of Jacksonville Inc
WTLV Channel 12
P.O. Box TV12
Jacksonville, Florida 32231

TO:

WAHL AND GABLE P.A
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES: to date for Defendant Channell 12 Laura Cook and Ernie Mastroianni in case of John G. Barrow Jr v Harrison et. al, Case No 84-589-J-14 United States District Court Middle District of Florida,including July 31, 1984 Handling with Richardson receipt of papers and letter, Woodlief) .5 hrs, August 15-17 1984 obtaining files review and work on motions (Woodlief) 2.2 hrs; August 20,1984, final draft of motions serving and filing handling with Richsrdson (Woodlief) - 5.6 hrs August 21, 1984, handling motion to dismiss, motion to striks Wahl) 1.2 hrs August 22, 1984 motion to tax attormey's fees Wahl) 1.3 hrs August 23, 1984, letter and review of Barrow's motions Wahl) 1.0 hrs, August 29, 1984, further handling and letter Wahl) .8 hrs, September 11, 1984 letter and Handling Wahl) .5 hrs September 27, 1984, letter and handling Wahl) .5 hrs September 27,1984 letter and memorandum to and from attorney General Wahl) 1.0 hrs October 19, 1984 letters to and from Morrall Whal) .9 hrs October 31, 1984 motions for sanctions and protective order handling and letter Wahl) 2.4 hrs November 19,1984 response from Barrow

and report Wahl) .9 hrs December 10, 1984 receipt of orders or recusal and granting sanctions letter Wahl) .9 hrs, December 27, 1984, Wahl) .2 hrs January 29, 1985 report Wahl) .2 hrs Februray 18, 1985 recusal of Judge Melton Wahl) .2 hrs Handling and report .3 hrs April 10, 1985 receipt of order from Judge Hodges enjoining Barrow and report Wahl) .5 hrs

w-20.)

January 13, 1986

Television 12 of Jacksonville Inc
WTLV Channell 12
P.O. Box TV12
Jacksonville, Florida 32231

TO:
WAHL AND GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES to date for defendants Laura Cook and Ernie Mastroianni since our statement of April 26, 1985, in case of John G Barrow Jr v Harrison et al Case No 84-589-Cib-J-14, United States District Court Middle District of Florida including June 5, 1985, receipt of transcript on appeal to the Eleventh Circuit review, letter 1.0 hrs Wahl) June 7, 1985 receipt of appellant's brief work on reply, 3,2 hrs Wahl) June 10,1985 final brief letters 3.0 hrs Wahl) .5 hrs Woodlief) June 13. 1985 telephone conference withWahl conferences with Woodlief and Drew .3 hrs Zimmerman June 24, 1985 receipt of Barrow's response study letter 1.5 hrs Wahl) Augist 16, 1985 order and letter .5 hrs Wahl) September 9, 1985, telephone conference with Clerk's office letter to clerk .6 hrs Woodlief October 4, 1985 handling with Clerk letter .8 hrs Wahl) October 23, 1985 letter .3 hrs Wahl) January 6, 1986 receipt of opinion from eleventh circuit court of appeals trip to court study preliminary work on motion 1.4 hrs Wahl) January 7 1986 preparation of motion .9 hrs Wahl) January 8, 1086 filing motion and letter .6 hrs Wahl)

w-21.)

October 14, 1986

WTLV Channel 12
Post Office Box YV12
Jacksonville, Florida 32231

TO:
WAHL AND GABLE P.A
920 Barnett Bank Building
Jacksonville,, Florida 32202

---

FOR PROFESSIONAL SERVICES: since statement of January 13, 1986on behalf of Channell 12 in case of John G. Barrow Je v.James Harrison et al, Case No 84-589-Civ-J-14 United States District Court Middle District of Florida at Jacksonville, including;

Letter of January 14, 1986 to insurance counsel letter of January 14, 1986 and handling .3 hrs (Wahl) receipt of Mandate from the eleventh circuit handling and letter of February 3, 1986 1.1 hrs; Wahl) receipt and review of Defendant Harrison's response on February 6 1986, .4 hrs Wood-lief; letter of Februray 19, 1986 as to Barrow's application for an Extraordinary Writ . hr Wahl) handling on March 6 1986 and letter preparation on motion to strike and motion for sanctions; filing and letter of June 2, 1986 .9 hrs Wahl) drafting motion to strike and alternatively to dismiss second amended complaint on May 19, 1986 1.5 hrs McDonald) letter and handling on September 11, 1986 .5 hrs Wahl)

$568.00

DISBURSEMENTS

| | |
|---|---|
| Photocopies | $18.00 |
| Extra postage | 1.36 |

w-22.)

Florida Publishing Company
Page 3 Statement
January 15, 1985

John G. Barrow Jr v Jack Reed et al,
January 15, 1985

Handling of suit of John G Barrow Jr v Florida Publishing Company et al,Case No 84-982-Civ-J-14, United States District Court Middle District of Florida Jacksonville Division, including October 1-2 1984, motion to strike Barrow's Interrogatories and objections 1.6 hrs Wahl) October 8, 1984 letter and review of file 1.9 hrs; Wahl) October 31, 1984 preparation and filing of motion for sanctions 1.1hrs Wahl) November 7, 1984 receipt and review of Barrow's motion and letter .7 hrs Wahl) December 11, 1984, receipt of Magistrate Schlesinger's order granting our motion for protective order and sanctions, .9 hrs Wahl) December 26, 1984 letter from other counsel and reply .4 hrsWahl)

Barrow v Reed ( Florida Publishing Company)

February 3, 1986 advises as to word from District Court and Barrow's motion for recusal etc. .5 hrs Wahl) February 19, 1986 receipt of Barrow's application for Extraordinary Writ Under Title V, handling with Clerk .4 hrs Wahl) March 6 1986 receipt of Barrow's Affidavit in support of Motion for recusal Order from Magistrate and letter .4 hrs Wahl) May 13, 1986 receipt of Amended Complaint and order permitting same, preparation and filing motion to dismiss and for sanctions letter 1.2 hrs Wahl) June 2, 1986 receipt of Barrow's response to motions to amended complaint letter .6 hrs Wahl) September 11, 1986 receipt of Barrow's motion of protest advices from Court of appeals as to Barrow's appeal handling with Magistrate's office letter .5 hrs Wahl)

$540.00

w-24.)

Barrow v Jack Reed et al Florida Publishing Company

January 29, 1985 report .3 hrs Wahl) February 18, 1985 handling and report .4 hrs Wahl) April 10, 1985 order and report .6 hrs Wahl) May 9-10 1985, handling and report to Whyte .1.1 hrs Wahl) May 17, 1985 handling with clerk of court of appeals .6 hrs Wahl) May 20,1985 hearing before Magistrate and report 1,1 hrs Wahl) July 23-24 1985 receipt of brief filing motion calls to clerk 2.0 hrs Wahl) August 5 1985 handling with court and letter .5 hrs Wahl) August 5, 1985 receipt of Barrow's reply study and letter 1.1 hrs Wahl) August 8,1985 handling with counsel and letter .3 hrs Wahl) August 19, 1985 order and letter .3 hrs Wahl) August 16, 1985 order and letter .3 hrs Wahl) October 4 1985 clerk and letter .5 hrs Wahl) November 14, 1985 clerk and letter .3 hrs Wahl) January 6, 1986 receipt of Court of Appeals opinion study trip to courthouse preliminary work on motion 1.4 hrs Wahl) January 7, 1986 preparation of motion .9 hrs Wahl) January 8, 1986 filing motion and letter .4 hras Wahl.

$1,800.00

w-25.)

Januray 10, 1986

Morris Communications Corporation
P.O. Box 936
Augusta ,Georgia 30919

TO:
WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

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PROFESSIONAL SERVICES: to date for St Augustine Record since our atatement of April 29, 1985 in case of John G Barrow v Jack Reed et al, Case No 84-982-Civ-J-12, United States District Court, Middle District of Florida including May 9-10 1985, handling as to appeal to the Eleventh circuit 1.1 hrs Wahl) May 20, 1985 allocation of time on Magistrate's hearing and report 1.1 hrs Wahl) July 23, 1985 allocation of time for motions in court ofappeals, calls to clerk 2.0 hrs Wahl) August 2, 1985 handling with clerk and letter .9 hrs Wahl) August 5, 1985 handling letter, reply .5 hrs Wahl) October 4, 1985 handling with clerk and letter .3 hrs Wahl) October 16, 1985 order and letter .3 hrs Wahl) November 14, 1985 handling with clerk and letter ,3 hrs Wahl) January 6, 1986 receipt of opiniun from court of appeals for the eleventh ciccuit trip to court, study 1.4 hrs Wahl) January 7, 1986 preparation of motion .9 hrs Wahl) January 8, 1986 letter completion of motion and filing .4 hrs Wahl)

$1,380.00

w-26.)

April 29, 1985

Morris Communications Corporation
P.O. Box 936
Augusta Georgia 30913

TO:
WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES; to date for the St Augustine Record in case of John G Barrow Jr v Jack Reed et al Cae No 84-982-Civ-J-12 United States District Court Middle District of Florida including September 28, 1984, call from Simon letters preparation of motions to dismiss et al, and sanctions Wahl) 2.3 hrs October 31, 1984 handling and letter to Employers Reinsurance Corp. Motion for sanctions Wahl) 1.2 hrs November 5, 1984 Barrow's motion and letter Wahl) . 4 hrs November 19, 1984 handling with Employers Reinsurance Corp. as to coverage Wahl) .5 hrs November 30, 1984 letters from Hudson and employers Reinsurance Corp study report Wahl) . 9 hrs December 11 1984 receipt of protective order letters and handling Wahl .8 hrs Correspondence with Hudson and Employers Reinsurance Corp dated December 20, 1984 Wahl) .5 hrs December 26,1984 handling with cocounsel and letter Wahl) .5 hrs January 29, 1985 handling with co-counsel and letter Wahl) .4 hrs April 10,1985 received order from Chief Judge Hodges enjoining Barrow and report Wahl .8 hrs

$1,245.00

w-27.)

April 25. 1985

AT&T Communications Inc

P.O. Box 7800
Atlanta, Georgia 30357

TO:
WAHL & GABLE P.A.
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES: in the Case of John G. Barrow Jr v American Telephone and Telegraph Company , Susan Black as an individual, and Harold B Wahl, as an individual, Case No 84-104-Civ-J-14 to dateincluding February 29, 1984, telephone conference with Ms Dreacher's office (Woodlief; .6 hrs March 1, 1984 receipt of Complaint telephone conference with Wahl work on motion to dismiss Woodlief) 2.1 hrs, March 5, 1984 research regarding case, review and revise motion to dismiss, telephone conference with Wahl, amend motion for attorney's fees Woodlief; 2.8 hrs March 6, 1984 handling as to motions and study of Amended Complaint Wahl) .9 hrs March 15, 1984 receipt of Barrow's response to motion to dismiss and letter Wahl) .6 hrs, April 6, 1984 transfer from Judge Melton to Judge Black (Wahl) .4 hrs May 1984, review of pleading filed by Barrow and letter Wahl) .5 hrs May 1, 1984 letter to Drescher (Wahl) .3 hrs May 14, 1984, letter to Drescher and handling (wahl) .4 hrs June 8,1984 telephone call and letter Wahl)

w-28.)

December 12, 1985

AT&T Communications Inc.
P.O. Box 7800
Atlanta, Georgia 30357

TO:

WAHL AND GABLE P.A
920 Barnett Bank Building
Jacksonville, Florida 32202

---

PROFESSIONAL SERVICES: since our statement of April 25, 1985 in the case of John G Barrow Jr v American Telephone and Telegraph Company et al U.S.D.C. CASE NO 84-104-Civ-J-10 U.S. Court of Appeal Case No 85-3360 including May 9, 1985 handling .5 hrs Wahl) May 13, 1985, letter .3 hrs Wahl) May 20, 1985 preparation for and attendance at hearing before Magistrate and make report 1.7 hrs, Wahl) July 5, 1985 telephone conference with clerk's office, telephone conference with co-defendant's attorney letter to Wahl) .7 hrs Wahl) July 10, 1985 receipt and review of respondant's motion to strike .6 hrs Woodlief August 2, 1985 report and review of Barrow's diatribe .9 hrs Wahl) August 6 1985 forwarding order .5 hrs Wahl) September 3 1985 receipt and forwarding of Barrow's response .8hrs Wahl) October 4,1985 handling and letter .4hrs Wahl) October 23, 1985 report .3 hrs Wahl) November 14, 1985 handling with clerk and report .5 hrs Wahl)

$1,231.00

DISBURSEMENTS:

| | |
|---|---|
| Photocopies | $56.75 |
| Long distance calls | 5.45 |

Supreme Court, U.S.
FILED
JUL 19 1989
JOSEPH F. SPANIOL, JR.
CLERK

(3)

No. 88-2078

---

**IN THE**
**SUPREME COURT OF THE UNITED STATES**

Spring Term, 1989

---

JOHN G. BARROW, JR.

Plaintiff-Appellant-Petitioner

vs.

N. G. LUND, et al.

Defendant-Appellee-Respondent

---

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

---

# BRIEF IN OPPOSITION

---

JOHN MILLER
General Counsel
Department of Health and
Rehabilitative Services
1323 Winewood Blvd.
Tallahassee, FL 32399-0700
(904)488-2381
Attorney for Respondent

BEST AVAILABLE COPY

No. 88-2078

---

**IN THE**
**SUPREME COURT OF THE UNITED STATES**

Spring Term, 1989

---

JOHN G. BARROW, JR.

Plaintiff-Appellant-Petitioner

vs.

N. G. LUND, et al.

Defendant-Appellee-Respondent

---

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

---

# BRIEF IN OPPOSITION

---

JOHN MILLER
General Counsel
Department of Health and
Rehabilitative Services
1323 Winewood Blvd.
Tallahassee, FL 32399-0700
(904)488-2381
Attorney for Respondent

## QUESTION PRESENTED

Whether the Circuit Court of Appeals properly affirmed the trial court's order dismissing Petitioner's complaint.

## PARTIES TO THE PROCEEDINGS BELOW

For Petitioner: John G. Barrow, Jr.

For Respondents: N. G. Lund and
David Page, Jr., former
Public Health Physicians
employed by the Nassau County,
Florida, Public Health Unit

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BRIEF IN OPPOSITION

OPINION BELOW

The February 9, 1989, Judgment of the United States Court of Appeals For The Eleventh Circuit affirmed the April 5, 1988, Order of the United States District Court, Middle District of Florida, Jacksonville Division, dismissing Petitioner's Complaint. The Order of the trial court ruled that the Complaint was unclear, but if Petitioner was suing under 42 U.S.C. 1983, he failed to allege any deprivation of life, liberty or property by someone acting under color of law without due process as guaranteed by the Fourteenth Amendment. The trial court cited Economic Development Corp. of Dade County v. Steirheim, 782 F.2d 952 (11th Cir. 1986) as its authority to dismiss the complaint.

## STATEMENT OF THE CASE

This matter has been filed by John G. Barrow, Jr., Pro Se, but not in forma pauperis.

The Complaint was filed on or about December 4, 1987 (Petitioner's Appendix b1 - b29). On January 4, 1988, Respondents filed a Motion To Dismiss, (Respondent's Appendix pages 4-12) alleging that the Complaint failed to state a cause of action pursuant to Rule 12(b), Rules of Civil Procedure; failed to properly allege a violation of civil rights; and failed to raise a federal question.

The matter was assigned to a U.S. Magistrate, who recommended that the Complaint be dismissed, without prejudice, as it failed to state a proper civil rights violation (Respondent's Appendix pages 1-3). On April 5, 1988,

the U.S. District Judge entered an Order dismissing the case based on the report and recommendation of the Magistrate (Petitioner's Appendix C-1).

The matter was then appealed to the United States Court of Appeals For The Eleventh Circuit, which affirmed on February 9, 1989, the trial court's Order, and clarified that the case was dismissed without prejudice (Petitioner's Appendix - second C-1 and C-3).

A. Background Facts

Petitioner's Complaint was very difficult to determine a clear understanding of just what he was alleging. It appears he had been denied a septic tank permit or a variance for a septic tank permit or he had been charged twice for a septic tank inspection, and alleged that a Florida Administrative Rule (Rule 10D-6) was an unlawful

delegation of Florida legislative authority and/or that said rule was ambiguous, unreasonable, capricious and/or arbitrary; it somehow was adverse to his interests; and/or the effect of the rule was damaging to his property.

## ARGUMENT

Petitioner's Petition For Writ of Certiorari appears to question the legality of the Eleventh Circuit's decision affirming the trial court's Order dismissing the Complaint. Petitioner seems to question the trial court's authority to dismiss a complaint without scheduling a hearing or holding a jury trial. The majority of Petitioner's brief embraces a number of matters not connected with this case. It appears that Petitioner is a party in approximately twenty other causes of action and he has interwoven the issues of those other causes into this cause.

Petitioner is appearing herein Pro Se, but not in forma pauperis, as he clearly states in the last two pages of his petition that he has been refused representation from attorneys in six

states and has even had a $5,000 retainer returned from an attorney with a national reputation. Therefore, it appears a number of attorneys have already advised Petitioner of his meritless cause.

The Petition should first be denied for failure to comply with Rule 21.5, Supreme Court Rules, as it certainly lacks accuracy, brevity or clearness. Southern Power Co. v. North Carolina Public Service Co., 44 S.Ct. 164, 263 U.S. 508, 68 L.Ed. 413. Secondly, Petitioner has failed to cite any authority that supports his position. Lastly, the authority cited by the court in dismissing Petitioner's Complaint (Economic Development Corp. of Dade County, supra) is square on point with this Court's decision in Parratt v. Taylor, 451 U.S. 527, 68 L.Ed.2d 420, 101 S.Ct. 1908. In order to have a civil

rights actionable violation, Petitioner must allege, which he did not, that he was denied a right to any kind of a hearing to appeal the adverse action taken against him by a state official.

The State of Florida has provided a comprehensive remedial scheme under Chapter 120, Florida Statutes, to grant anyone who wishes to challenge any rule or policy a hearing under section 120.56(1), Florida Statutes, (Respondent's Appendix page 13). Petitioner had a right to a Chapter 120, Florida Statutes, hearing, but made no attempt to pursue one. Therefore, as required in the summary of Parratt, supra, the state would have provided Petitioner a hearing if he had alleged he had suffered a loss at the state's hands; and even though he may not have been fully compensated, the hearing would have

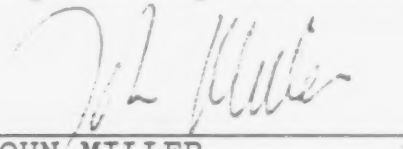
been sufficient to satisfy the requirements of due process. Because Petitioner failed to seek a state administrative hearing or appeal for the alleged adverse action taken against him by state employees (Respondents), Petitioner has suffered no deprivation of his constitutional rights and it was proper and legal for the trial court to have dismissed his Complaint without prejudice.

Petitioner's contention that he is entitled to a hearing or a jury trial is misplaced as this court has held that it is legally proper for a trial court to dismiss a complaint under Rule 12(b), Rules of Civil Procedure, for failure to state a cause of action. Williamson v. Tucker, 645 F.2d 404 (5th Cir. 1981) certiorari denied 102 S.Ct. 396, 454 U.S. 897, 70 L.Ed.2d 212.

## CONCLUSION

The Judgment of the Court of Appeals of the Eleventh Circuit should be affirmed and the Petition For Writ Of Certiorari denied.

Respectfully submitted,



JOHN MILLER
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(904)488-2381

Attorney for Respondent

July 12, 1989

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Brief in Opposition was served this 17 day of July, 1989, in accordance with rule 28.1 of the Rules of the Supreme Court of the United States by depositing three true copies in a United States Post Office or mailbox, with first-class postage prepaid addressed to:

John G. Barrow, Jr.
Rt. 1, Box 470
Callahan, FL 32011

JOHN MILLER

88-2078

No. 88-2089

Supreme Court, U.S.
FILED
JUL 19 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Spring Term, 1989

JOHN G. BARROW, JR.

Plaintiff-Appellant-Petitioner

v.

N. G. LUND, et al.

Defendant-Appellee-Respondent

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

# APPENDIX TO BRIEF IN OPPOSITION

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(904)488-2381
Attorney for Respondent

BEST AVAILABLE COPY

No. 88-2089

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**IN THE**
**SUPREME COURT OF THE UNITED STATES**

Spring Term, 1989

---

JOHN G. BARROW, JR.

Plaintiff-Appellant-Petitioner

v.

N. G. LUND, et al.

Defendant-Appellee-Respondent

---

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT**

---

**APPENDIX TO BRIEF IN OPPOSITION**

---

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JOHN G. BARROW, JR.,

Plaintiff,

vs. Case No. 87-1007-Civ-J-10

N. G. LUND, M.D., as an individual; DAVID PAGE, JR., as an individual,

Defendants.

---

REPORT AND RECOMMENDATION

I. STATUS

Plaintiff appears to allege that Rule 10D-6, et seq., Florida Administrative Code, is arbitrary, unreasonable, capricious, and ambiguous. The Defendants move to dismiss.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Although Plaintiff has alleged that under color of state law, as required by section 1983 civil rights action, it is

unclear from his Complaint if he intends to proceed under that federal statute. This lack of clarity arises from the rambling nature of his Complaint and from the fact that he has sued the Defendants in their individual capacity rather than their official capacity.

If he is suing under that statute, Plaintiff has wholly failed to allege any deprivation of life, liberty, or property by someone acting under color of law without due process as guaranteed by the Fourteenth Amendment. Economic Development Corp. of Dade County v. Stierheim, 782 F.2d 952 (11th Cir. 1986).

Rule 8, Federal Rules of Civil Procedure, require that a complaint be a short and plain statement of a plaintiff's claim. Plaintiff has utterly failed to achieve this standard.

## III. RECOMMENDATION

The Complaint be DISMISSED without prejudice.

DONE AND ENTERED at Jacksonville, Florida, this 26th day of January, 1988.

/s/
HARVEY E. SCHLESINGER
United States Magistrate

Copies to:

Hon. Wm. Terrell Hodges

Mr. John G. Barrow, Jr.
Route 1, Box 470
Callahan, FL 32011

John Miller, Esquire
General Counsel
Department of Health and
Rehabilitative Services
Building One, Suite 407
1323 Winewood Boulevard
Tallahssee, FL 32399-0700

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

JOHN G. BARROW, JR.,

Plaintiff,

v. Case No. 87-1007-Civ-J-12

N. G. LUND, M.D., as an individual; DAVID PAGE, JR., as an individual,

Defendants.

---

MOTION TO DISMISS

Defendants, N.G. Lund, M.D. and David Page, Jr., ("Defendants"), as agents and employees of the Department of Health and Rehabilitative Services, State of Florida ("DHRS"), files this motion to dismiss, and say:

1. This is a motion to dismiss the Original Complaint With Demand For Jury Trial By Three Judges District Court ("Complaint"), pursuant to the provisions of Rule 12(b), Rules of Civil Procedure, and/or for a motion for more definite

statement pursuant to Rule 12(e), R.Civ.P.

2. The Complaint fails to state a cause of action which this Court may grant relief and this Court does not have jurisdiction over the subject matter.

3. The Complaint is vague and unclear, and the Defendants cannot frame a proper responsive pleading. It is impossible to follow a clear line of reasoning when reading the Complaint. Defendants' understanding of the Complaint is that the Plaintiff has alleged that Rule 10D-6, Florida Administrative Code, is either an unlawful delegation of legislative authority, and/or that the Defendants' use of Rule 10D-6, F.A.C., has caused damage to the Plaintiff; and that Rule 10D-6 is ambiguous, unreasonable, capricious and arbitrary and he has been damaged by said rule.

4. If the above is a correct interpretation of the Complaint then Defendants will not pursue a motion for a more definite statement, however, Defendants are not certain the above constitutes the gravamen of the Complaint.

Wherefore, the Complaint should be dismissed as stated above and/or the Plaintiff be required to file an Amended Complaint to comply with Rule 8, R.Civ.P.

MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS

1. The allegations alleged, inter alia, that Rule 10D-6, F.A.C., et. seq., has damaged Plaintiff, and this appears to be the only law which Plaintiff contends is applicable to this cause. Plaintiff has alleged that due to portions of said rule being arbitrary, unreasonable, capricious, and ambiguous, that he has suffered damages.

Rule 10D-6, F.A.C., is entitled, Standards For Onsite Waste Disposal Systems, and regulates septic tank permits. Said regulations are performed for the State of Florida by DHRS, where the named Defendants are employed. The Defendants are alleged to have either enacted some final action against the Plaintiff pursuant to Rule 10D-6, et. seq., and the Plaintiff has challenged the validity of said rules.

The State of Florida has provided a comprehensive remedial scheme under the provisions of Chapter 120, Florida Statutes, to guarantee anyone who wishes to challenge any final agency action a hearing under Section 120.57, F.S.; or to grant anyone who wishes to file a challenge to any rule or policy a hearing under Section 120.56. State administrative remedies must be exhausted

before bringing of civil rights action if those remedies are speedy. Black v. Beame, 419 F.Supp. 599 (NY, 1976), affirmed 550 F.2d 815.

Section 1343 of Title 28 does not provide district courts with jurisdiction over state defendants where plaintiff has not exhausted their administrative remedies or showed that such exhaustion would be futile. Cave v. Beame, 433 F.Supp. 172 (NY, 1977). In this case Plaintiff has neither alleged he has pursued his administrative remedy nor stated that it would be futile to do so. Therefore, this Court does not have jurisdiction over the subject matter of the Complaint.

Plaintiff has not alleged a violation of his civil rights, nor has he raised a federal question that gives this Court jurisdictio over the subject matter.

Section 1343 of Title 28 was not intended to vindicate ordinary state torts and thus, in order to satisfy jurisdictional requisites of the statute, sufficient facts must be alleged not only to establish that challenged acts were "under color of state law," but also taht the alleged deprivation was a right, privilege or immunity secured by the constitution or laws of the United States. Woods v. Lake Drive Nursing Home, Inc., 503 F.Supp. 183 (Md. 1980).

Plaintiff has only alleged that the damages he has suffered occurred under color of state law (Rule 10D-6, F.A.C.), and has not alleged any deprivation under any federal statutory or constitutional law. To invoke the federal district court's subject-matter jurisdiction, plaintiff must allege he has been deprived of life, liberty, or property by

someone acting under color of law without due process of law as guaranteed under the 14th Amendment. Economic Development Corp. of Dade County v. Stierheim, 782 F.2d 952 (11th CA 1986).

Inasmuch as Plaintiff has not alleged a federal question, this Court is without jurisdiction over the subject matter of the Complaint, and this matter should be dismissed.

2. Defendants believe they have disected the Complaint and have addressed the issues contained therein in the above motion to dismiss. However, in the event they have been unable to uncover some issue, it is because the Complaint is vague and unclear. Rule 8, R.Civ.P., simply requires that the complaint be a short and plain statement of plaintiff's claim. The purpose of this rule is to give defendants a fair notice of

plaintiff's claim and the grounds on which it rests. Weiner v. Bank of King of Prussia, 358 F.Supp. 684 (Pa. 1973).

Complaints which ramble, which needlessly speculate, accuse, and condemn, and which contain circuitous diatribes far removed from the heart of the claim do not comport with goals of Rule 8 prescribing short and plain statement of grounds for jurisdiction and claim for relief, and should be required to replead to comport to Rule 8, or dismissal. Prezzi v. Berzak, 57 F.R.D. 149 (NY 1972).

Wherefore, Defendants request that this Court dismiss the Complaint for failure to allege facts which would give this Court jurisdiction over the subject matter, or in the alternative, to grant their motion for a more definite statement.

/s/
JOHN MILLER
General Counsel
Department of Health and
Rehabilitative Services
1323 Winewood Blvd.
Tallahassee, FL 32399-0700
(904)488-2381

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this 3rd day of December, 1987, to: JOHN G. BARROW, JR., Route 1, Box 470, Callahan, Florida 32011.

/s/
JOHN MILLER

SECTION 120.56(1), FLORIDA STATUTES

120.56 Administrative determination of rule by hearing officer -

(1) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of delegated legislative authority.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Appendix to Brief in Opposition was served by U.S. Mail this 19 day of July, 1989, in accordance with rule 28.1 of the Rules of the Supreme Court of the United States by depositing three true copies in a United States Post Office or mailbox, with first-class postage prepaid addressed to:

John G. Barrow, Jr.
Rt. 1, Box 470
Callahan, FL 32011

JOHN MILLER

Case Number (5)

# S. Ct. 88-2078

IN THE

# *United States SUPREME Court*

Supreme Court, U.S.
FILED
AUG 2 1989
JOSEPH F. SPANIOL, JR.
CLERK

1989 TERM

# PETITIONER'S REPLY TO RESPONDANT'S BRIEF

**JOHN G. BARROW JR.**
Plaintiff - Appellant - Petitioner
vs.
**N. G. LUND et. al.**
Defendant - Appellee - Not a Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT
ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

2109

IN THE SUPREME COURT OF THE
UNITED STATES
WASHINGTON, D.C.

JOHN G BARROW JR

Plaintiff-Appellant-Petitioner

VS. S.Ct. 88-2078

N.G. LUND, et. al,

Defendants-Appellees- Respondents

* * * * * * * * * * * * * * * * * * * * *

PETITIONERS REPLY TO
RESPONDENTS BRIEF

##########################################

1) Respondent initially attempts to pull the wool over the eyes of this Honorable Supreme court by his " QUESTION PRESENTED"

Quote: " Whether the Circuit Court of Appeals properly affirmed the trial courts order dismissing Petitioners complaint"

a) This question has no relevancy to the District Courts raping of Fed. R. Civ. P. Rule 7(a). For this reason, This decision is in conflict with other decisions of other courts on the same identical matter.

( Table of Contents Last Page )

(b)
The District Courts denial of a trial when there was dozens of issues to be tried is a departure from accepted and usual course of proceedings, and does rape the Lady Justice.

c) For Harold Wahl's Bar Brothers in the 11th Circuit to dogmatically sanction such a departure of the accepted and usual course of proceedings is proof postive of corruption, personal interest in the outcome , use your own verbage.

d) This indisputably calls for an exercise of the Supreme Courts Power of Supervision.

In addition thereto the Court of First instance breached the Federal Rules of Civil Procedure by not defaulting the Respondents because of their refusal to file a responsive pleading. This is also the Sanction by the 11th Circuit, of the District Courts departure from accepted and usual course of proceedings.

2) If this Brief in response, presented by Miller was in fact filed by the Clerk of this Supreme Court then in that event, said Clerk has breached S.Ct.Rule 33.7. This instrument the " Brief In Opposition" of N.G. Lund et. al. is not in compliance with S. Ct. Rule 33.1(b) as this Document is not printed on both sides of the page. If the Respondent stands so tall that the Rules of the Supreme Court of the United States does not apply to the Respondent -- If the Clerk does not abide by Rule 33.7 then this is an act of discrimination by this Supreme Court itself.

3) If the Clerk has refused the filing by the Respondent because of non-compliance to Rule 33.1 (b) " Printed on both sides of the page then Petitioner , should be so advised.

4) In the Defendants Motion to Dismiss Page 5 of his Appendix to Brief In Opposition he states:

" Defendants' understanding of the complaint is that the Plaintiff has alleged that Rule 10D-6 Florida Administrative Code, is either an unlawful delegation of legislative authority and/or that the Defendants' use of Rule 10D-6 F.A.C. has caused damage to the Plaintiff, and that rule 10D-6 is ambiguous, unreasonable, capricious and arbitrary and he has been damaged by said rule".

a) The unlawful delegation of legislative power.

b) Has caused damage to Plaintiff

c) Amiguous

d) Unreasonable

e) Capricious

d) Arbitrary

f) And he has been damaged by said rule

Each of the Seven a) thru f) are a Cause of Action.

Seven Seperate Causes of Action should be determinative;

In American Fire and Casualty Co v Finn 71 S Ct 534 this Supreme Court Holds

"Generally, " a cause of action" does not consist of facts, but an unlawful violation of a right which facts show."

5) The unlawful violation of the litigants right is the cause of action and is not required to be in the exact verbage that might be used to the liking of the defendant.

6) Federal Rules of Civil, Procedure Rule 7(a) an answer is for the purpose of working some of the misunderstandings out. However, it was to the personal interest of the Court in the outcome of this $140,000.00 extortion to grant the Motion to Dismiss, with all of the Defendants understanding, yet not tried.

7) The Tjoflat and Hatchett Court knows all of the above yet so far Tjoflat and Hatchett et.al. 11th Circuit have sanctioned this departure from the accepted and usual course of judicial proceedings beyond doubt because of $140,000.00 in American Terrorism .

8) On page 5, of Respondents Brief he Alleges Quote:

" He has interwoven the issues of those other cases into this cause"

9) The Cause of Action that respondent alleges to not exist.

For the Courts satisfaction and pleasure please refer to the Petitioners Appendix d-1,d-4, d-22 thru d-25 and e-1 thru e-17, you will learn that it is the San-(fee) ction/grabbing District Court that is repugnant to Edwards v DuPonte, consolidated to quote Hodges, " All of these cases". It is the collusion of "the Wheel Within A Wheel Mob" that has woven and interwoven " all of thses cases" into a maze of Jungle of Giration to make impossible the adjudication of the seperate issues of the seperate causes of action.

9) The Respondent is not only lying through his teeth but he also sounds just like I would if I were to tell a filthy lie ,when Respondent makes the remark page 6 ?

Quote: " It appears a number of attorneys

have already advised Petitioner of his meritless cause"

If Respondent can prove this filthy lie, Petitioner will withdraw his action. All attorneys did adivse, is that those that did respond "that their Public Relations would not stand the pre-trial publicity" of the Reed Case. The case where the State took Judge Hatchett's people's house, hanging the blame on this Petitioner.

10) The Respondent comes on again with his Rule 21.5 " Accuracy, brevity or clearness"

Petitioners pleadings are plain and simple enough that;

" Defendants understanding of the Complaint is that the plaintiff has alleged that Rule 10D-6 Florida Administrative Code, is either an unlawful delegation of legislative authority and/or that the defendant' use of Rule 10D-6 F.A.C. has caused damage to plaintiff; and that Rule 10D-6 is ambiguous, unreasonable, capricious and arbitrary. and he has been damaged by said rule"

Does the Respondent wish to be spoon fed ?

11) Page 7 of Respondents Brief,the Respondent becomes bent all out of shape

because of Quote:

" The State of Florida has provided a Conperhensive remedical scheme under chapter 120 Florida Statute"

This is purely a Crock of Manure. As

proof please see 81 Supreme Court 473

in Monroe v Pape and 42 U.S.C.A. § 1983.

" Under statute making every person who, under color of any state statute, ordinance, regulation. etc. deprives any citizen of the United States of his constitutional rights liable to party injured. federal remedy is supplementary to the state, and state remedy if any, need not be first sought and refused before federal one is invoked. 42 U.S.C.A. § 1983

" Allegations of facts constituting a deprivation under color of state authority of right guaranteed by Fourteenth Amendment satisfy requirements of statute making any person who, under color of state statute, ordinance, etc deprives any citizen of his constitutional rights liable to party injured" U.S.C.A. Const Amends 4,14; S.H.A. ILL Const art 2 § 6 42 U,S.C.A. s 1983

" One reason for passage of federal statute providing that every person who, under color of any state statute, ordinance, custom etc deprives any citizen of the united States of his constitutional rights is liable to party injured was to afford a federal right in federal courts where, because of passion. prejudice, neglect, intollerance

or otherwise, state laws might not be enforced and claim of citizen to enjoyment of rights, privileges and immunity guaranteed by Fourteenth Amendment might be denied by state agencies" — 42 U.S.C.A. § 1983 U.S.C.A. Const Amend. 14.

The THIRD aim was to provide a federal remedy where the state remedy though adequate in theory was not available in practice"

" This section gives to any person who may have been injured in any of his rights, privileges or immunities of person or property, a civil action for damages against the wrongdoer in the Federal Courts".

" It authorizes ANY PERSON who is deprived of any right, privilege or immunity secured to him by the Constitution of the United States, to bring an action against the wrongdoer in the Federal Courts, and that without any limit whatsoever as to the amount in controversy. The deprivation may be of the slightest conceivable character, the damages in the estimation of any sensible man may not be five dollars or even five cents. they may be what lawyers call merely nominal damages; and yet by this section jurisdiction of that civil action is given to the Federal Courts instead of its being prosecuted as now in the courts of the States"

" It is no answer that the State has a law which if enforced would give relief. The federal remedy is supplementary to the state remedy and the latter need not be first sought and refused before the federal one is invoked"

" In an opinion written by Mr Justice ( later Chief Justice) Stone, in which Mr Justice Roberts, Mr Justice Reed and Mr Justice Frankfuter joined the court ruled; " Misuse of power possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken ' under color of' state law"

" That view of the meaning of the words ' under color of' state law, 18 U.S.C. § 242 18 U.S.C.A. § 242"

12) We now turn to Petitioners Appendix

b-19 observing Statutory Grounds. 28 U.S.C

C.A. § 1343 - R.S. 1979 invasion of

Rights redress assured, read against

a back ground of;

" Moreover, § 1979 provides a civil remedy while in Screws case we dealt with a criminal law challenged on the ground of vagueness. Section 1979 should be read against the background of tort liablilty that makes a man responsible for the natural consequences of his actions"

" There is now relief afforded by a review in the Federal Courts. Since the 14th Amendment forbids any State from making or enforcing any law abridging these privileges and immunities as you cannot reach the legislature, the injured party should have an original action in our Federal Courts so that by injunction or by recovery of damages he could have relief against the party who under color of such law is guilty

of infringing his rights. As to the civil remedy no one, I think can object"

" Under the present Constitution how ever, in regard to those rights which are secured by the fourteenth amendment they are not left as the right of the citizens in reguard to laws impairing the obligation of contracts was left, to be disposed of by the courts as the cases should arise between man and man, but Congress is clothed with the affirmative power and jurisdiction to correct the evil.
" I think there is one of the fundamental one of the great, the tremendous revolutions effected in our Government by that article of the Constitution. It gives Congress affirmative power to protect the rights of the Citizen".

Let not John Miller , run down, low rate and degrade the Power to handle the States atrocities.

A Federal Camel can always sleep in a State Tent.

Mr Miller rants and pants on page 1 of his Brief about failed to allege any deprivation of life, liberty and property by someone acting under color of law, then Mr Miller turns one hundred eighty degrees 180°, on page 5 of his Appendix by admitting ;

Defendants' understanding of the complaint is that plaintiff has alleged that Rule 10D-6 Florida Administrative Code is either an unlawful delegation of legislative authority and/or that the Defendants' use of Rule 10D-6 F.A.C. has caused damage to the plaintiff, and that Rule 10D-6 is ambifuous, unreasonable, capricious and arbitrary and he has been damaged by said rule"

Every facet of his Response is a controdiction of his own allegations. Petitioner asks Mercy for the Respondents Brief. Respondent is to be pittied,not censured. It is the opinion of this Petitioner that the 11th Circuit deserves no pitty as they have all of the entire record.

The 11th Circuit committed a dastardly act by their sanctions of Hodges departure from accepted and usual compliance with Federal Rules of Civil Procedure Rule 7(a) , Rule 8 and Rule 8(d) and 8)f).

If Mr John Miller wants to tell the truth as God Almighty knows the truth to be,this Petitioner cannot get legal representation because of Hodges,Judge Handling Wahl, Tjoflat and Hatchett's Jacksonville personal

interest. Ex partners and present connections causing conflict of interest. No, Miller pulls no wool over this Petitioners eyes.

The above facts do call for an exercise of this Courts Power of Supervision. Every facet of this action is a Federal Matter which -- decided many important Federal questions of Federal law by this affirmance of the corruption of the Hodges Court and the Tjoflat/Hatchet Court. This entire record should be settled by the United States Supreme Court if for no other reason because of lack of adjudication againmst the Background of Monroe V Pape 81 S Ct 473.

Mr John Miller is as mixed up and fuzzed up in his own mind , the same is as is the Godfathers of the " Wheel Within A Wheel" sitting on the 11th circuit Court of Appeals. Mr Miller in his Brief and the Appendix disputes almost every one of his erroneous

allegations alleged by his arguments scattered throughout each of his instruments.

THE 11th CIRCUIT COURT OF APPEALS

Judge Tjoflat, Judge Johnson and Judge Hatchett in their affirming the decision of Schlesinger's erroneous allegations, couched on his own say-so admitted that they, the 11th Circuit did not understand all that they knew, which was nothing.

a) They did not understand --- "the judgment does not indicate."

b) They had no evidence and

c) They had no reason on which to couch their affirmance of the lower courts departure from accepted and usual course of judicial proceedings.

d) The 11th Circuit merely affirmed Schlesingers erroneous allegations what ever they were -- and what they were was not -- known to the Honorable 11th Circuit Judicial Panel.

e) Because of the 11th Circuits be-fuddlement of what ever the Schlesinger decision delivered to Hodges,who knew even less may have been the Great Judges Tjoflat and Judge Johnson and Judge Hatchett did in the name of justice affirm blindly Schlesingers heinously false allegations. The affirmed decision of the 11th Circuit was cottoned to that which they did " Construe" NOT BY ANY JUDICIAL WISDOM or by any other accepted and usual course of judicial proceedings. See Petitioners Appendix to Petition Page c-2.

IN THE UNITED STATES DISTRICT COURT

1) Based upon none of the Appellants pleadings.

2) Having heard not one issue.

3) Adjudicating not one of the issues that has arisen.

4) One Harvey E Schlesinger did decide

a) All of the Federal Questions.

b) All of the issues on his own "say-so"

c) And did decide all relevant matters supplying his own evidence which is a departure from the accepted and usual course of proceedings.

5) One Federal Judge Hodges whom Petitioner has never seen and neither did Judge Hodges or Schlesinger have before him .

6) Then came the 11th Circuit who like Schlesinger and Judge Hodges did receive NO evidence and can give no judicial reason and does not have any jurisdiction of the subject matter because Judge Hodges or Schlesinger had NO one before them and the Wise Old Tjoflat, Johnsom, and Hatchett did sanction Schlesingers departure from the accepted and usual course of judicial proceedings.

In the District Court Judge Hodges the decisionmaker, using Schlesinger to handle the dirty stick and using Schlesingers erroneous and sleazy allegations as a

substitute for the Plaintiffs complaint did put on record in written form his reason for his decision.

a) The plaintiffs written objection.

b) Hodges " Consideration" with no evidence presented or allowed to be presented as there has been no hearing HAD.

c) And "due consideration" 250 miles --- distant, Hodges has had no one before him, wherefore he has no jurisdiction of the person and this eleminates and forecloses upon jurisdiction of the subject-matter.

All of Hodges Jazz does constitute a departure from the accepted and usual course of judicial proceedings and the 11th Circuit court of Appeals has so far sanctioned all of Hodges romance and departure in the lower court.

The Chain reaction of Schlesingers no evidence and no reason to rely upon which in turn gave Hodges no evidence and no reason to rely upon which in turn gave

Tjoflat, Johnson and Hatchett absolutely no evidence and no reason to rely upon in making their decision.

If this Supreme Court of these United States will or will not exercise this Courts Power of Supervision, does face this Supreme Court.

The World anxiously awaits your Wise Decision.

AFFIDAVIT OF GOOD FAITH

Now Comes JOHN G BARROW JR, the Petitioner in this Action who demands to impress upon this Honorable Supreme Court of these United States of the pertinacious and obstinate facts that his honest intentions in this Cause of Action is only for the purpose of obtaining a Fair and Speedy administration of Justice.

I Hereby Certify this 29th day of July, 1989 that I did furnish a true copy of the foregoing instrument to; John S Miller, 1323 Wine-

wood Blvd, Building One, Suite 407,

Tallahassee, Florida 32399-0700

Counsel for N.G. Lund et al.

John G Barrow

JOHN G BARROW JR

ACKNOWLEDGMENT FOR PERSONS

STATE OF FLORIDA
COUNTY OF NASSAU

Before me personally appeared JOHN G BARROW Jr to me well known and known to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS My Hand and Official Seal this 29th day of July, A.D. 1989.

Alma M. Barrow

ALMA M BARROW
Notary Public
State of Florida

My Commission expires

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES: NOV. 20, 1992
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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